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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

—

PART 65.

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JULY–DEC. 1929.

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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO

PART 65

JULY TO DECEMBER 1929

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Further Correspondence respecting Morocco.

Part 65.

CHAPTER I.—FRENCH ZONE.

[W 7630/4324/28] No. 1.

Consul-General Sir A. Ryan to Mr. A. Henderson.—(Received August 7.)

(No. 158.)

Sir, *Rabat, July* 25, 1929.

WITH reference to my despatch No. 145 of the 24th July, 1928, I have the honour to state that the usual summary of the budget of the French Protectorate in Morocco for the year ending the 31st December, 1929, was published in the " Bulletin officiel " of the 25th June.

2. The following table shows how the total of the estimates compare with those for 1928 :—

ESTIMATES OF RECEIPTS.

	1928	1929.
Ordinary Budget.	Fr.	Fr.
Agricultural tax ("tertib")	145,521,000	162,550,000
Other direct taxes	25,000,000	
Customs duties	166,012,000	189,100,000
Consumption duties on sugar and alcohol ..	100,255,000	163,260,000
Other consumption duties and indirect taxes .	43,421,000	
Posts and Telegraphs	36,662,000	64,154,450
Other receipts from monopolies and such like ..	25,966,000	
Other receipts	98,737,610	109,306,520
Total of ordinary budget ..	641,674,610	688,370,970
First Special Budget, Loans, &c.		
Proceeds of loans	220,069,800	139,391,750
Second Special Budget.		
Specially affected resources (reserve) ..	54,435,000	73,463,000
" " (taxe spéciale) ..	42,741,950	54,690,000
" " (other) ..	12,390,000	
Grand total of receipts ..	971,211,360	955,915,720

ESTIMATES OF EXPENDITURE.

	1928.	1929.
Ordinary Budget.	Fr.	Fr.
Debt charges	150,705,742	149,608,637
Expenditure other than debt charges	490,526,523	538,484,190
Total of ordinary budget ..	641,232,265	688,092,827
First Special Budget, Loans, &c.		
Expenditure chargeable to proceeds of loans ..	220,069,800	139,391,750
Second Special Budget.		
Expenditure chargeable to reserve fund and other specially affected resources	109,566,950	128,153,000
Grand total of expenditure ..	970,869,015	955,637,577

3. As I was unable last year to submit, as I had intended, a more detailed report on the 1928 budget, I have included in the above table the figures necessary to compare that budget with the summary of the 1927 budget given in my despatch No. 137 of the 22nd July, 1927. I have, as far as possible, given the corresponding figures for 1929, but the statement published in the "Bulletin officiel" presents the estimates of receipts in such a way as to make an exact comparison impossible until the full text of the 1929 budget is available.

4. The short report to the Resident-General prefixed to the summary of the 1929 estimates draws attention to the fact that no new taxes have been created this year and that the only increase has been in the tariff of telephone charges, which have been raised so as to give an estimated further yield of 3 million francs. It has thus been possible, says M. Saint, to count upon an increase of about 43 million francs in the yield from existing taxes, a most eloquent proof of the prosperity of the country.

5. It will be noted that, while the total estimates in the ordinary budget show an increase of nearly 50 million francs on each side, the estimate for debt charges is approximately the same as for last year. The increase in the expenditure, according to M. Saint's covering report, is to cover readjustment of salaries, the extension of administration arrangements to districts previously under military control, and a larger outlay on education and economic equipment.

6. The special budgets balance automatically, as usual, and merely show what amounts have been earmarked for special expenditure. The amount so earmarked in respect of proceeds of loans brings up the total for 1928 and 1929 to 359,461,550 fr., all of which will presumably be financed eventually out of the proceeds of the new loan sanctioned last year, the usual manipulation of liquid Treasury resources being practised in the meanwhile. The need for such manipulation will presumably, however, be reduced to a minimum now that a first issue of the new loan has been made (see my despatch No. 92 of the 17th May, 1929). It may also be assumed that the effect of the issue will be to replenish the reserve fund. As you are aware, it has been possible to rely greatly on this fund for some time past, owing to the substantial surpluses produced by the ordinary budget for several successive years. I doubt whether, when the actual budget results for 1926 and 1927 are published, they will show equally handsome surpluses, because one of the effects of the 1926 crisis was that it became necessary to readjust the original estimates of ordinary expenditure in those two years by subsequent legislation, which greatly increased them.

7. The immediately preceding remarks are merely in the nature of deduction until further information is available. I do not, therefore, pursue the question of the reserve fund beyond drawing attention to the fact that it is again called upon this year for the substantial sum of 73,463,000 fr.

8. I am sending a copy of this despatch to the acting British consul-general at Tangier.

I have, &c.
(For Sir Andrew Ryan),
T. C. RAPP.

[W 11283/11283/28] No. 2.

Vice-Consul Rapp to Mr. A. Henderson.—(Received November 29.)

(No. 190.)

Rabat, November 23, 1929.

Sir,

I HAVE the honour to report that General Jordana, High Commissioner for the zone of the Spanish Protectorate, arrived in Rabat on the 20th November to return the visit paid to him at Alcazar in May last by the French Resident-General, M. Saint. The present visit is planned, however, on larger lines; and in place of the few hours spent by M. Saint at Alcazar, Count Jordana is carrying out a nine days' tour of the principal towns in the French Zone in accordance with a carefully-arranged programme.

2. Particular efforts are being made by the Protectorate to invest this visit with especial significance as indicating the determination of the two Powers to enter into a closer collaboration in the administration of their respective zones. Thus it is that every honour and consideration is being shown to General Jordana and his numerous suite of civil and military officials, while the Spaniards are eager to show themselves responsive to the attentions showered on them.

3. The reception of General Jordana at Rabat was planned on an impressive scale. For some days previously the press had been heralding the impending event, and a spontaneous welcome by the population, usually indifferent to any but its own private affairs, was assured by the early closing of offices, schools and places of business. General Jordana was met at his entrance into Rabat by the Resident-General and escorted through the principal streets, thickly lined with soldiers and mounted tribesmen, with far greater ceremony than was accorded to the present Sultan on his accession.

4. An admirably-staged review of troops then took place, combined with a public exchange of French and Spanish decorations. Regular troops, composed of infantry, cavalry, artillery, engineers and tanks, to the number of about 5,000, had been concentrated at Rabat for the occasion. Following them in the march past were some 3,000 mounted tribesmen, each tribe being led by its French *contrôleur*. In addition to decorations given to other persons, M. Saint conferred on General Jordana the "Croix de Guerre avec Palme" for eminent services rendered in Morocco, both as soldier and administrator, whilst General Jordana conferred on M. Saint the Grand Cross of the Order of Alphonso XII. The review was on a larger scale than any of recent years, and the concourse of tribesmen impressed by the authorities far exceeded in number, as they surpassed in turn-out and discipline, the few hundred reluctant ones who are collected to do homage to the Sultan on the public occasions in which he plays a part.

5. At the official luncheon at the Residency-General which followed the review, important speeches were delivered both by M. Saint and General Jordana, each on the theme of the mutual advantages to be derived from more intimate relations. In proposing the toast of the Spanish Monarch, the Royal Family, the President of the Directory and General Jordana, M. Saint expressed a hope that, as a result of the visit, the co-operation which had demonstrated its value in the Riff war would be extended to the economic field :—

> "Puissiez-vous, mon général, emporter de votre visite le désir que j'éprouve moi-même de voir votre collaboration si cordiale et si confiante se poursuivre sur le terrain économique. Je suis de ceux qui pensent, en effet, que la vie, pour être vraiment féconde et jamais troublée, doit battre le même rythme sur tous les points de cette entité géographique qu'est le Moghreb."

6. M. Saint then went on to add that it seemed to him that the propitious moment had come for this closer contact in their mutual interest, and that he was glad to know that this was also the feeling of the Spanish Government. It was with great satisfaction that he had received a few days ago a letter from the Residency-General at Tetuan suggesting that a further meeting, this time at Tetuan, should take place between the Directors-General of Finance of the two zones (for a report on the previous meeting, see Sir Andrew Ryan's despatch No. 21 of the 19th January), and he hoped that this method of discussion would find its application also with regard to other important matters which were still outstanding between them. Thus, said M. Saint in conclusion, "pour conduire ce pays vers ces merveilleuses destinées, l'union des cœurs et des armes, cimentée dans le péril, se traduira désormais par une parfaite harmonie de tendances et de méthodes, inspirées du même idéal de justice et de progrès."

7. In his reply, General Jordana struck the same note. Co-operation between them, admittedly overdue, had proved its inestimable utility in the Riff war, for it was as its result in that sphere that they now enjoyed the present happy state of untroubled peace. Unstinted praise was then given to the work realised by the French in the following terms :—

> "J'admire le magnifique ouvrage que vous avez réalisé au Maroc, je sais que vous êtes parvenu au maximum de la perfection, j'abonde dans votre sens et je crois qu'il n'y a pas un détail de votre œuvre protectrice qui n'ait pas d'influence sur l'ensemble, et que plus harmonieux sera notre travail, meilleur sera notre rendement." General Jordana then went on to say how eager he was to profit by French experience. "Je suis également," he said, "venu pour étudier dans votre œuvre tout ce qui peut être utilisé dans celle que nous entreprenons; bien qu'avançant avec une vertigineuse rapidité à cause du grand amour que nous lui portons, cette œuvre peut encore recueillir les profitables enseignements que lui offrent votre longue expérience coloniale et votre succès dans son application."

8. General Jordana proceeded to add that he hoped that never again would France and Spain fall into the error of having divergent policies in Morocco. At the present time it was not the forces of war which must march together, but the forces of science, art and money. There must, he said, be frequent intercourse, not only between the experts, but between the Residents-General, in order to solve all difficulties which arise, and to bring about a perfect communion of opinions and interests. Therefore General Jordana welcomed the forthcoming conference on financial matters, and looked forward to a further exchange of visits between M. Saint and himself.

9. In the afternoon of the same day General Jordana was received in solemn audience by the Sultan, and handed to His Majesty, on behalf of His Majesty King Alphonso, the collar of the Order of Charles III. The Sultan also conferred Cherifian decorations on all the members of General Jordana's suite. The addresses exchanged were formal and limited in their content to expressions of mutual esteem and goodwill. Perhaps, however, the last sentence of the Sultan's reply merits mention as a public recognition of his own unhappy position of tutelage :—

> "Nous vous exprimons," it goes, "nos vœux de bon séjour dans les régions de notre empire que vous allez visiter et dont la prospérité sans cesse grandissante est l'œuvre de la collaboration étroite et féconde qui unit le Maroc à la glorieuse France protectrice, dont l'éminent représentant, M. Lucien Saint, sait qu'il peut compter en toute circonstance sur les sentiments d'indéfectible amitié de notre Majesté."

10. Then followed a reception at the Spanish consulate, into whose restricted space were crammed the highest civil and military officials of the French Protectorate from the Resident-General downwards and the consular corps. The day terminated with a dinner at the Residency.

11. The morning of the 21st November was taken up by a long private conversation between the two Residents, followed by a visit to certain public institutions. After luncheon General Jordana left for Casablanca, accompanied by M. Saint. After Casablanca, General Jordana is visiting the phosphate mines at Kourigha and then Marrakesh, whence he will return to Rabat on the 24th for a conference with the Resident-General and the Directors-General of the Protectorate Departments. He will then visit Kenitra, Meknes, Fez and Ouezzan, finally regaining the Spanish Zone on the 29th. At each stage of this triumphal journey there are to be receptions, reviews, &c., with intensive visits to antiquities, institutions and economic enterprises wedged in between.

I have, &c.
T. C. RAPP.

[W 11460/11283/28]

No. 3.

Mr. Gurney to Mr. A. Henderson.—(Received December 5.)

(No. 202.)

Sir,

Tangier, November 28, 1929.

I HAVE the honour to transmit herewith a copy of two despatches which I have received from the acting British consul at Tetuan reporting on the visit now being paid to the French Zone of Morocco by the High Commissioner of the Spanish Zone. I regret that owing to an oversight the first of these despatches was not forwarded to you at the time of its receipt.

2. The circumstances attending the visit afford evidence of the cordiality of the relations now existing between the two zones, and it is satisfactory to note the intention displayed of inaugurating a system of close collaboration between the authorities of the two zones for the development of their respective spheres. Such collaboration cannot fail to be of general advantage as tending to increase the prosperity of the whole country.

3. In conversation with me, the "Times" correspondent has expressed some apprehension lest this rapprochement may adversely affect the position of Tangier. I do not, however, myself anticipate that such need be the case. It is true that the construction of a railway from Ceuta to join the Tangier–Fez Railway somewhere in the Spanish Zone, which is one of the subjects now under discussion, may divert to Ceuta a certain amount of traffic for the French Zone which would otherwise pass through Tangier. On the other hand, provided the port works are pushed on so as to furnish improved accommodation for merchant ships within a reasonable time, I

think that there is every prospect of Tangier holding its own with Ceuta as a port of call.

4. One of the subjects which will be discussed is that of the construction of a telephone line connecting Tangier with the French and Spanish Zones. This project should have been carried out many years ago, but it has been delayed on account of disputes between the French and Spanish authorities. It will be of great advantage to Tangier if the conversations between Count Jordana and M. Saint result in the execution of this long-delayed scheme.

5. I can see no signs of any intentions or designs inimical to Tangier on the part of the French and Spanish authorities such as are hinted at in Mr. Harris's telegram published in the "Times" of the 19th November. On the contrary, they are continuing to display an interest in the development of the town. The French authorities, for instance, have allowed it to be known that money is likely to be available in Paris for the construction of the port, whilst the Spanish Government have recently placed a large sum of money at the disposal of their representative here for the construction of a hospital.

6. I am forwarding a copy of this despatch to His Majesty's consular officers at Rabat and Tetuan.

I have, &c.
HUGH GURNEY.

Enclosure 1 in No. 3.

Acting Consul Watkinson to Mr. Gurney.

(No. 118.) *Tetuan, November* 23, 1929.

Sir,

WITH reference to my despatch No. 115 of the 14th instant, reporting that an invitation had been received from the Resident-General at Rabat by the High Commissioner of the Spanish Zone, I have the honour to inform you that it was announced in the Tetuan press and in the "Eco de Tanger" early this month that General Jordana was planning to visit the Sus front in the company of M. Saint. It was explained that the object of the visit, in addition to strengthening the bonds of friendship already existing between the two Administrations, was to show the recalcitrant tribes of the south that France and Spain intend to collaborate in the work of civilisation in Morocco. The Sus, it was pointed out, borders on the Spanish Colony of Rio de Oro, which is always a source of anxiety.

2. Subsequent press articles have referred less to the military situation in Morocco, but have elaborated the reasons for the High Commissioner's journey as being primarily actuated by a desire on his part to see what his neighbours are doing, and to study on the spot the results achieved by the French, in order the better to guide the civil administration of the Spanish Zone.

3. It was finally decided that the visit to the French Zone should take place on the 20th November and should last for nine days.

4. Before this was officially announced, the Tangier correspondent of the "Times" was invited to visit General Jordana, and on the 19th November an article from Mr. Harris appeared in the "Times," in which the aims and possible results of the visit are described at some length from the Spanish point of view. The writer foresees an interchange of views between the administrators on inter-zonal political and commercial relations, and on military matters concerning the frontiers of their respective spheres. The Tangier situation is to be discussed. French and Spanish interests in Tangier are no longer incompatible, but the activities of the two nations there are diminishing as their respective zones are developed. The trade of Ceuta, which is already being developed as rapidly as possible, to the detriment of Tangier, is to be stimulated, if French co-operation can be secured, by the construction of a railway line from Tetuan to a point on the Tangier–Fez Railway outside the International Zone. A further matter to be discussed, according to Mr. Harris, is the insecurity in South-Eastern Morocco, where the position is at present far from satisfactory. Efforts are being made, he says, to cause unrest in other parts of Morocco. As in the Riff war lawlessness in the Spanish Zone was a source of danger to French Morocco, so now the Spanish Zone may consider itself indirectly threatened by events further south. The importance of putting an end to this state of affairs is therefore to be urged at Rabat, especially at a time when Spain is desirous of reducing her army in Morocco.

5. According to the Ceuta "Opinión," the official Press Bureau at Madrid has reproduced a summary of this article, adding that it is a matter for rejoicing that the interests of Spain and not those of petty personal politics now occupy the attention of the more important organs of the press and world opinion.

6. The Spanish authorities have not dared to be quite as outspoken in the local press. It has been stated in general terms that the keynote of the visit are future economic development and future military developments in Morocco. The advantages of Franco-Spanish co-operation are dwelt on, and reference is made to the conversations at Alcazar in May and to various manifestations since then from both sides. Such visits, through introducing the factor of personal friendship, must make the path easier for the settlement of questions between the two zones.

7. The Ceuta "Opinión" has also recently reproduced certain articles from Madrid papers regarding Ceuta and Tangier, which lend colour to the fears expressed in certain quarters that the present conversations at Rabat may not be altogether of a friendly nature as regards the International Administration of Tangier.

8. The "Correspondencia Militar," in an article on Ceuta, lays stress on the exceptional importance of the visit of the High Commissioner to Rabat. The geographical position of Ceuta, it is stated, will make it the natural port of access to the whole of Africa as soon as railway communication is established with the French Zone. Being the nearest port to Spain, it is therefore the nearest to all Europe, in addition to which advantage it offers all facilities required by shipping.

9. The "Revista Hispano-Africana," also of Madrid, in the August–September number which has just been published, refers to "the absurd International Zone, which only breeds jealousies, with the natural result of strangling Tangier."

10. General Jordana left Tetuan on the 19th instant for Alcazar, accompanied by Señor Aguilar, the delegate-general; Colonel Aranda, Chief of the General Staff; Señor López Roberts, chief of the Diplomatic Cabinet; Señor Torrejón, director of Colonisation and Agriculture; three aides-de-camp and three press representatives. The party was joined *en route* by General Garcia Benítez, second in command of the Spanish forces in Morocco. They entered the French Zone on the morning of the 20th at Arbaoua, where they were met by General Vidalon, Officer in Command of the French forces in Morocco, and General Noguès, Chief of the Military Cabinet. M. Saint met the High Commissioner at 11·30 at the entrance to Rabat.

11. In addition to eulogistic articles in the French Moroccan press, which are reproduced in the Tetuan papers, an army order was published in Rabat on the day of the High Commissioner's arrival, in which it is recalled that "General Jordana has been one of the best artisans of the work of pacification accomplished in the north of Morocco. As director of the Moroccan Department at Madrid, he prepared and directed Franco-Spanish action in the Riff which brought about the defeat of Abd-el-Krim. As High Commissioner at Tetuan, he has contributed, by his prestige, authority and personality, towards assuring security throughout the northern region in a spirit of loyal and confident co-operation."

12. The official ceremonies at Rabat commenced with a review and march past of the troops of the garrison on the Place de la Grande Mosquée. At the close of this General Jordana handed the Grand Cross of the Order of Alfonso XIII to the Resident-General. A general exchange of decorations followed.

13. An official lunch was given at the Residency in honour of the visitors, at which M. Saint made an eloquent speech of welcome. He recalled his meeting with General Jordana at Alcazar five months previously to discuss questions of common interest. A policy of mutual solidarity and friendship, he said, had been followed by French and Spanish alike. Five years ago there were two distinct camps in Northern Morocco. General Jordana was one of the principal inspirers of the policy of a united front. The landing at Alhucemas in 1925 and the taking of Ajdir inspired both armies. Joint action in 1926 gave the *coup de grâce* to Abd-el-Krim. Since then there has been peace on every side. "Life to be truly fruitful and tranquil must beat with the same rhythm in all parts of the geographical entity of the Moghreb," M. Saint continued. As there was collaboration on the field of battle, so now the moment has arrived for closer contact between the representatives of the different Administrations. Conferences and reunions are now the mode in international relations. Only thus can personal sympathy be established.

14. General Jordana, in reply, again referred to the meeting earlier in the year at Alcazar. He said that the interview on that occasion was most cordial, and complete agreement was reached on all points. Mutual action in Northern Morocco

was not always in the same direction until a common danger brought about a change. He mentioned his part in the Madrid Conference in 1925, when political and military collaboration were organised, and paid tribute to Maréchal Pétain and General Primo de Rivera, who carried out the plans with such successful results. He mentioned the Paris Conference of 1926, at which prior agreements were revised and consolidated and the way of peace prepared. Thanks to the absolute solidarity and community of aims, peace has been secured in Northern Morocco, where confidence in the protecting Power is replacing the rebels' fear of punishment. Much more work is needed to maintain this state of affairs in a manner worthy of the Powers. General Jordana paid high tribute to the work achieved by the French. This, he said, must inspire his own Administration. He had therefore come to testify his admiration and friendship, and to study in detail the great work, and to get inspiration from their colonial experience. Just as military collaboration was so successful in the past, there must be unity of sentiments in civil matters. He places great hopes on the meeting which is to take place next year to study financial questions and trusts that others may follow. By mutual co-operation, he concluded, France and Spain will produce a model country in the Moghreb.

15. In the afternoon the High Commissioner was received by the Sultan, on whom he bestowed the Collar of the Royal Order of Charles III. Mutual speeches of congratulation were made. The Sultan decorated General Garcia Benítez with the Grand Cross of the Order of Uissan Alauita, and all members of General Jordana's suite with various grades of the same Order.

16. Later in the day a visit was paid to the town of Rabat and an official reception was held at the Spanish consulate-general.

17. The plans for the remainder of the tour are of a less official nature. The programme is given in Appendix I.*

18. Since the commencement of the tour the French press of Casablanca and Rabat has published a succession of articles on Franco-Spanish unity. The "Presse marocaine," for example, says that there must be close collaboration between the two nations in Morocco. It would be illogical, the writer states, for France and Spain, who share responsibility for civilising the protectorates, not to work in harmony, and it is right that the unity of action put in motion years ago should be reaffirmed.

19. The "Echo du Maroc" says that the visit has not only a sentimental but a practical significance. Since General Sanjutjo visited the protectorate in 1928 friendship and collaboration have been consolidated in Morocco, and should become effective throughout Mauretania.

20. The Spanish "Porvenir," of Tangier, prints an article to the effect that it is a matter for congratulation that the two nations who divide between them almost the whole of the old Sherifian Empire should be on such friendly terms. Spain brought a great war to an end, when she was fighting against many people and influences. Now that peace has been established in Northern Morocco, it is natural that she should look to being able to consolidate and enjoy it, and not have to think of other military enterprises in any part of Africa.

21. Though it hardly seems probable that, as the "Times" article would appear to suggest, anything in the nature of a complaint is being made by the Spanish High Commissioner against the non-cessation of hostilities in the southern part of the French Zone, it is not unlikely that the military discussions which are taking place will affect the decisions of the Spanish Government with regard to the withdrawal of troops from Morocco.

22. According to my information, the withdrawal of twelve of the eighteen battalions of "cazadores" at present in the Spanish Zone is contemplated. Half are to be repatriated to Spain and the remainder based on Ceuta and Melilla.

23. Plans are also said to be under consideration for the creation of "somatenes," or civil defence forces, on the lines of those organised by General Primo de Rivera in Spain. It is reported in Tetuan that the President of the Council is to visit Morocco at the end of December. I am informed that the Spanish consul in Tetuan has received instructions to enrol members of the "somatenes," and to issue arms in time for inspection by General Primo de Rivera.

24. Further reorganisation on the frontiers of the Tangier Zone is already being carried out, as you are no doubt aware. According to a recent announcement in the "Eco de Tetuan," a "servicio de fronteras" is being sent to Rgaia, Dar Jodar and Ain Guenen, consisting of a "mia" of native troops. The cavalry and infantry

* Not printed.

detachments from those posts are to be withdrawn to Tetuan. The Information Bureau at Rgaia is to be suppressed, but some of the personnel will be absorbed in the new Frontier Service.

25. A possible side effect of the wave of Franco-Spanish sympathy is the impending exchange of French consuls between Tetuan and Rabat. M. Martin, who has been French consul in Tetuan for ten years, is proceeding to Rabat as assistant chief of the Diplomatic Cabinet. His place is to be taken by M. Serres, who was chief of the Civil Cabinet under M. Steeg's Administration. Both these officials have spent the greater part of their career in Morocco.

26. I am forwarding a copy of this despatch to His Majesty's consul-general at Rabat.

I have, &c.
A. E. WATKINSON.

Enclosure 2 in No. 3.

Acting-Consul Watkinson to Mr. Gurney.

(No. 115.)
Sir, *Tetuan, November* 14, 1929.

I HAVE the honour to report that according to information given to me privately by the chief of the Diplomatic Cabinet, the High Commissioner for the Spanish Zone has been invited to pay the Resident-General at Rabat an official visit to the French Zone from the 20th to the 29th instant.

2. General Jordana proposes to leave Tetuan on the 19th instant for Alcazar accompanied by the delegate-general, the chief of the Diplomatic Cabinet, the chief of the Department of Civil Intervention, and three aides-de-camp.

3. Señor Garcia Outiveros, the chief of the Department of Civil Intervention, will return immediately to Tetuan, and assume the combined duties of Acting High Commissioner and delegate-general.

4. The tour of the French Zone will include visits to Wazzan, Fez, Meknes, Rabat, Casablanca, Marrakesh, Mazagan, Saffi and Agadir.

I have, &c.
A. E. WATKINSON.

[W 11585/11283/28] No. 4.

Consul-General Sir A. Ryan to Mr. A. Henderson.—(*Received December* 10.)

(No. 193.)
Sir, *Rabat, December* 3, 1929.

WITH reference to Mr. Rapp's despatch No. 190 of the 23rd November, I have the honour to state that General Jordana, High Commissioner in the Spanish Zone, left Fez for Alcazar on the 29th November on the completion of his official visit to French Morocco. The Resident-General went to Fez two days earlier to see the last of his Spanish colleague, and they spent a well-filled day together on the 28th, the ceremonial including yet another review and a reception at the Spanish vice-consulate. The visit thus ended as it began with a spectacular display of Franco-Spanish cordiality.

2. Since my return to Rabat on the 26th November, I have had little opportunity of forming an independent opinion of the importance of General Jordana's visit from the political and economic point of view. As you are aware, it has been exploited by the "Times" correspondent at Tangier in a series of telegrams which have represented it as being of the greatest moment. During the three days preceding my return I had the advantage, while staying with Mr. Gurney in Tangier, of hearing in his company Mr. Harris's views from his own lips. He assured Mr. Gurney and myself, with his customary eloquence, and even more than his customary insistence, on the authenticity of his information, that every possible question affecting the relations of France and Spain in Morocco was under review, and that most, if not all of them, were in a fair way to be settled. He was not indeed entirely clear as to whether the two Powers were uniting in a policy of starving out Tangier or whether France was making concessions to Spain as regards the Tangier Zone,

the *quid pro quo* for which would be the settlement of the outstanding questions elsewhere, like that of the Beni Zeroual frontier, the Rio de Oro, &c., and which would at a favourable moment be laid before the other Powers. He was positive, however, that everything was in the melting pot and that the result of the fusion would be that two souls would flow together in Morocco, the Spanish and the French. He laid special stress on the prospect of economic agreements, whereby *inter alia* French capital would be made available for the development of the resources of the Spanish Zone.

3. I refer to Mr. Harris's appreciation of the importance of the visit, at the risk of encroaching on Mr. Gurney's province, because what little I have heard since my return to Rabat bears out the impression, which we shared, that Mr. Harris was exaggerating a good deal. It is true that General Jordana's reception was stage-managed with unusual pomp. It must certainly be regarded as marking a new stage in the growth of friendly relations between France and Spain since the last phase of the Riff war, nor can it be doubted that questions of common interest were reviewed. It must be remembered, however, that the present French Resident-General likes doing things in the grand manner. I do not gather from conversations which I have had at the Cabinet diplomatique and with my Spanish colleague that any great decisions were taken, and I should doubt very much whether questions affecting Tangier were discussed in any close or formal manner. My present belief is that the parties were concerned to display the maximum of effusive goodwill and perhaps to delimit areas of future discussion among humbler experts, beginning with the second meeting of the Directors of Finance of the three zones, which has long been projected and which is now expected to take place at Tetuan early next year. Should I have reason to alter this belief when I have got more settled in Rabat, I will not fail to report further.

4. I am sending copies of this despatch to His Majesty's consular officers at Tangier and Tetuan.

I have, &c.
ANDREW RYAN.

CHAPTER II.—TANGIER ZONE.

[W 6463/1/28] No. 5.

Mr. Gurney to Mr. Henderson.—(*Received July* 4.)

(No. 123.)
Sir, *Tangier, June* 26, 1929.

I HAVE the honour to report that the Spanish consul-general has informed the Committee of Control that it has been arranged between the French and Spanish Governments that the Franco-Spanish Bureau of Information shall begin to function on the 1st July, in accordance with the provisions of article 10 of the statute as amended by the protocol of the 25th July, 1928.

2. I had the honour to report in my despatch No. 33 of the 9th February last the appointment of Major Tomas Garcia Figueras as Inspector-General of Security. Major Figueras will in that capacity be placed in charge of the bureau. His second-in-command will be Captain Cottrelle, who is also military attaché to the French consulate-general.

I have, &c.
HUGH GURNEY.

[W 6465/1/28] No. 6.

Mr. Gurney to Mr. A. Henderson.—(*Received July* 4.)

(No. 126.)
Sir, *Tangier, June* 27, 1929.

I HAVE the honour to transmit herewith a copy of a despatch which I have received from Major Custance, the officer attached to this consulate-general under the terms of article 3 of the statute, reporting on a visit which he paid to Tangier recently at my request.

2. This report deals mainly with the gendarmerie, which appears to be fulfilling its functions adequately.

I have, &c.
HUGH GURNEY.

Enclosure in No. 6.

Major Custance to Mr. Gurney.

(Secret.)
Sir, *Gibraltar, June* 22, 1929.

I HAVE the honour to report that, in accordance with instructions received from his Excellency the Governor and Commander-in-chief, Gibraltar Command, I proceeded to Tangier on the 18th June, 1929, returning to Gibraltar on the 21st June.

I visited the newly-instituted gendarmerie, commanded by a Spanish officer, Commandant Miguel, whose second-in-command is a French captain, Captain Candille. I was received in a very friendly manner, and the commandant expressed his willingness to give me any information in his power.

The gendarmerie has taken the place of the former Spanish and French tabors, and came into being on the 1st May, 1929.

The native strength of this force has been fixed for one year at 8 kaids and 400 men, with 50 horses. After the expiration of the year the strength is to be reduced to 250 men and 50 horses, the kaids to be gradually reduced to 3. A Spanish officer is in command with a French officer second-in-command, and 4 officers, 2 Spanish and 2 French. There are also 3 white non-commissioned officers, 1 Spanish, 1 French and 1 Belgian.

The force has been recruited in equal proportions from the former Spanish and French tabors, and is concentrated in what was the old No. 1 Tabor Barracks, about

a mile outside the town of Tangier, with a small detachment under a kaid in a barracks in the town situated between the British Legation and the market-place. I was informed that the offices of this latter were not yet properly furnished.

The duties of the gendarmerie are to maintain order and public security in the zone, and to assist the local police on instructions from the Administrator of the Zone. In order to best perform these services, they have to keep a close liaison with the chief of local police and also with similar organisations in the Spanish Zone.

The force is organised into four companies of eight sections each, one section of each company being cavalry. Each company is commanded by a lieutenant or second-lieutenant. Thus, two companies are commanded by Spanish officers and two by French.

At present the force is armed with 200 old Gras rifles of the period of Napoleon III and 200 modern Mausers with appropriate bayonets, and 550 rounds of ammunition per rifle are held. The ultimate arm of the force has not yet been decided upon.

The uniforms of the native troops are those used in the former tabors with the tabor numerals removed and blue georgette patches, embroidered with the Chérifienne Star, substituted. The officers and European n.c.o.'s, however, wear the uniform of their own national unit. A gendarmerie badge for them to wear is under consideration, but I understand this has not yet been designed.

I was unable to discover that any training or musketry programme had been drawn up.

The barracks are quite good and well kept, and include a hospital. Only the single men live in barracks. There is a small compound where some of the married native n.c.o.'s live. The remainder of the married men live in the surrounding villages.

The daily rates of pay are as follows:—

Imam: 17 fr.
Mokkadem (sergeant): 19 fr.
Maoun (corporal): 16·50 fr.
Askari Nuba, 1st class: 14 fr.
Askari Nuba, 2nd class: 13 fr.

No rations or ration allowances are given, and for each re-engagement for three years a gratuity of 240 fr. is granted.

There are no pensions.

The pay of the kaids, I was informed, has not yet been fixed.

The age limits of service are 24 years to 45 years, enlistment for three years with re-engagements of from one to three years. No oath of allegiance is taken on enlistment.

The powers of the commandant and second-in-command regarding the officers and European n.c.o.'s and kaids are definitely laid down, but I was unable to discover that a scale of punishments for military offences by the native personnel has been drawn up. This is to be based on those common to the French gendarmerie and Spanish Guardia Civile.

The horses were of a good stamp, and appeared well kept. They are the pick of those formerly belonging to the tabors.

The old system in force during the time of the tabors, of having posts scattered about the zone, has been abolished, and the force is concentrated as mentioned earlier. The zone is divided into sectors called "A" and "B."

Each fortnight a company is detailed for duty in each sector, but the nationality of the officer in command of each sector is always being changed. Thus, if in one fortnight the company for duty in "A" Sector is commanded by a Spanish officer, then the following fortnight a company commanded by a Frenchman is detailed.

The control of the sectors is performed by patrols, which are sent out at uncertain intervals, and a written report is rendered on the return of each patrol. When villages are visited, the village headman signs the patrol report. All reports are signed by the company officer concerned, and forwarded by him through the second-in-command to the commandant for record.

The officers of different nationalities appeared to be working quite amicably. The commandant, however, appears to be in very close touch with the Spanish consulate.

The force, when reduced next May, should be quite sufficient to maintain law and order in the zone.

I visited the aerodrome, situated east of Dxar Sultan. There is, however, no change from when it was visited by Major Younger in January 1928, except that a petrol pump has since been installed. No work has been started on the new site.

My visit and enquiries did not bring to light any non-observance of the military obligations set out in article 3 of the Tangier Convention.

I have, &c.
N. CUSTANCE, *Major*,
Royal Army Service Corps.

[W 7050/1/28] No. 7.

Sir W. Tyrrell to Mr. A. Henderson.—(Received July 22.)

(No. 1036.) *Paris, July 19, 1929.*

Sir,

IN his despatches, unnumbered of the 27th March, No. 38 of the 22nd April and unnumbered of the 18th May, Mr. R. H. Campbell explained to your predecessor the course of the negotiations in the committee, which met in Paris on the 22nd March, "to cause a revised scheme for the international tribunal of Tangier to be elaborated" in accordance with article 5 of the special provisions annexed to the Tangier Protocol of the 25th July, 1928. In paragraph 9 of his despatch of the 18th May, Mr. Campbell set out as follows the framework of the scheme put forward by the British delegation after the numerous other schemes submitted had been shown to be incapable of securing agreement:—

Procureur.

Conseiller résidant.
French/Spanish by annual rotation.
Alternating with president of court of appeal.

Court of First Instance.

Spanish, French, Belgian, British, Italian.
(President.)

Court of Appeal.

Conseiller forain.	Conseiller résidant.	Conseiller forain.
French/Spanish.	Spanish/French.	British/Italian/Portuguese.

(President.)
Alternating with procureur.

Court of Cassation.

Holland.

2. In paragraph 11 of his despatch of the 18th May, Mr. Campbell stated that though the other delegations had not yet formally expressed their views with regard to this scheme, his Spanish colleague had intimated privately that his Government would not accept a Belgian president of the court of first instance. In these circumstances Mr. Campbell thought that if his scheme was to provide a settlement, it would have to be modified on the basis of the presidency of the court of first instance being shared between Great Britain and Italy. The scheme thus modified was approved by your predecessor in Foreign Office despatch unnumbered of the 30th May.

3. About this time the hand of fate fell heavily on the committee. The Spanish diplomatic representative, M. Goyeneche, died suddenly; M. Dumas, the chief French legal representative, became extremely ill; and in your despatch No. 1320 of the 6th June you instructed Mr. Campbell to return to London and asked me to replace him by a member of the Embassy staff. I requested Mr. Wigram to serve in Mr. Campbell's place.

4. All these misfortunes obviously delayed progress in the committee's work, but the real obstacle to such progress had been since the 18th May the refusal of the Spanish Government to authorise their representatives on the committee formally to signify their acceptance of the British (Campbell) scheme set out above even in the form modified at the personal request of the Spanish representatives.

5. During the first half of June no progress was made by the committee in the examination of this scheme. On the other hand, on the 6th June the French delegation submitted two memoranda, the first defining more specifically the powers conferred by article 1 of the special provisions upon the assistant administrator charged with the judicial services, and the second respecting the necessity of the establishment of a liaison between the international jurisdiction and the administration of the zone. The committee was obliged to consider these questions in view of the fact that it was established by article 5 of the special provisions to "elaborate a revised scheme for the international tribunal of Tangier." Copies of the two French memoranda were sent to you in my despatch No. 858 of the 12th June. They followed upon an Italian memorandum respecting the duties of the assistant administrator, handed to Mr. Campbell on the 15th May. (For record purposes copies of this memorandum are contained in my despatch No. 1037 of to-day's date.)

6. In private conversations, which took place between the 15th and 20th June, M. Barcenas, the Spanish diplomatic representative, who had replaced M. Goyeneche, intimated to Mr. Wigram that his Government were unlikely to give definite instructions respecting the Campbell scheme outlined above, pending a more definite settlement of the functions of the assistant administrator. In these circumstances M. Barcenas and Mr. Wigram read through the two French memoranda (enclosures to my despatch No. 858) on this subject. M. Barcenas said that he would ultimately be obliged to ask in particular for the following modifications of these memoranda :—

Memorandum on Powers of Assistant Administrator.

(Enclosure to my despatch No. 858.)

(1.) Paragraph 10. M. Barcenas objected to the powers which the French delegation proposed to bestow upon the assistant administrator over the so-called "auxiliary services of the international jurisdiction." His point of view was that the main power in this matter should lie with the procureur.

(2.) Paragraphs 13 to 16. M. Barcenas objected strongly to the French proposals respecting the powers of the assistant administrator over the so-called "annexed services of the international jurisdiction." The point, as will appear later from this despatch, has proved impossible of arrangement.

(3.) Paragraph 17. M.. Barcenas asked for a small amendment providing that in the execution of judgments in criminal matters the assistant administrator should maintain contact with the judicial authority.

Memorandum concerning Liaison between International Jurisdiction and Administration.

(Enclosure to my despatch No. 858.)

(1.) Paragraph 14. M. Barcenas objected to the high judicial officials such as the procureur and president of the court of appeal being obliged to apply for leave to the administrator.

(2.) Paragraph 19. M. Barcenas objected to the words italicised in the following sentence: "Il faut nécessairement admettre que le Gouvernement représenté ici par l'Administrateur a le pouvoir de donner au Ministère public de véritables instructions *que celui-ci doit être tenu de suivre.*" He asked that for the italicised words the following phrase might be substituted : "Dans le cas où celui-ci ne sera pas d'accord, il sera tenu d'exprimer ses raisons par écrit."

7. In this discussion Mr. Wigram confined himself to making M. Barcenas formulate his objections to the French memoranda in detail. The latter was at first inclined, because he objected to certain details in these memoranda, to assert that the whole were inacceptable. Mr. Wigram himself made no comments on the French memoranda other than to explain to M. Barcenas that the British delegation would be obliged to insist on the president of the court of first instance having the powers necessary to enable him to exercise an effective presidency over his own court (see particularly the original wording of paragraphs 13 and 15 of the French memoranda respecting the liaison between the international jurisdiction and the administration of the zone, where no mention is made of the president of the court

of first instance), and to insist that the procureur must in some way recognise the authority of the administration and carry out its orders when required.

8. As soon as his conversations with M. Barcenas were concluded, Mr. Wigram, at M. Barcenas's request, saw the Comte de Saint-Quentin, the French diplomatic representative, and explained to him briefly the Spanish position. Mr. Wigram found M. de Saint-Quentin very pessimistic as to the termination of the committee's work before the holidays. On the 24th June M. Barcenas saw M. de Saint-Quentin himself, and also found him pessimistic. He then saw the Italian delegate, whom he found anxious to reach some kind of conclusion. After a further delay M. de Saint-Quentin suggested on the 10th July that the committee should draw up a *procès-verbal*, recording generally the measure of agreement reached, and embodying both the Campbell scheme and some reference to the two French memoranda on the duties of the assistant administrator. This document would serve to mark the point reached in the committee's work until its legal members would again become available in the autumn. There being no alternative, as the French, Spanish and indeed also British legal members were about to leave Paris, M. de Saint-Quentin's proposal was accepted. The *procès-verbal* or "Etat des Travaux," as it is actually called, was accordingly drafted and signed by the full committee on the 12th and 13th July. It embodies the Campbell scheme and contains as annexes, though in a modified form, the two French memoranda forwarded in my despatch No. 858. A copy is enclosed in the present despatch. It amounts to no more than a statement of the point now reached in the committee's work; and all the members of the committee agreed that it would be open to any Government eventually to withhold agreement to the final scheme if this, when worked out in detail, proved to be less satisfactory than was now anticipated. Mr. Wigram made a categorical statement to this effect before signing the document. Owing to the extremely uncertain attitude adopted by the Spanish delegation respecting the French memorandum which forms Annex 2 to the "Etat des Travaux," Mr .Wigram also warned the committee that in view of the large part which the Campbell scheme had played in securing the measure of agreement now reached, he reserved the right for any future British representative on the committee to withdraw the whole of that scheme in the event of any delegation insisting on some recommendation concerning any point arising in the committee's work under articles 1 and 5 of the special provisions to which His Majesty's Government could not agree.

9. On the "Etat d'Avancement des Travaux" of the committee and the two documents annexed thereto I would make the following observations :—

"Etat d'Avancement des Travaux."

A (1). The provision respecting the "roulement triennal" was introduced at the British delegation's request on the instructions of the Foreign Office.

A (2). Contains the only reference so far accepted to the possibility of the eventual establishment of a court of cassation.

A (2) and (3). "Pour autant que l'organisation judiciaire de leur pays s'y prêtera" was introduced to meet the case of British judges.

A (4). Thus the Campbell proposal has now been accepted by the Spanish delegation, subject to the conditions of the final settlement.

B. Paragraph 3 was the formula adopted to mark the complete disagreement in the committee over the question of the annexed services (see the relevant passage in section 1 of Annex 1).

C. The formula—"Les considérations développées à ce sujet dans une note remise par la délégation française (Annexe 2) *ont retenu son attention*"—was adopted in order to meet a last-minute objection made by the Spanish diplomatic representative, who stated that he could not, under his existing instructions, accept the whole of the French memorandum in question in its present form. It was as the result of this statement by the Spanish diplomatic representative that Mr. Wigram conveyed to the committee the warning reported in paragraph 8 above.

Annex 1.—No observations additional to those made above.

Annex 2.—You will note the references in sections 2 and 3 ("Vacances, congés," and "discipline") to the president of the court of first instance. These were made at the British delegation's request to prevent undue interference with this official. Under the heading "Discipline," the phrase "l'action disciplinaire sera *exercée*" is the ordinary French legal phrase for an initiating and disciplinary action against an official.

Section 4, paragraph 3. You will note the closing words: "Que le Gouvernement représenté ici par l'Administrateur soit assuré de faire présenter son point de vue par le Ministère public à l'appréciation souveraine des juges." This seems satisfactory. The procureur must present the Government's point of view, though he may afterwards, in accordance with French legal practice, make his own personal observations upon it, if he wishes.

10. You will no doubt inform me, not later than the middle of October, by whom you wish to be represented in the committee when it resumes its meetings in November, and of the line to be taken by the British delegation.

I have, &c.

W. TYRRELL.

Enclosure in No. 7.

État d'Avancement des Travaux de la Commission.

LA commission chargée d'élaborer la réforme de la juridiction internationale de Tanger décide de s'ajourner au mois de novembre prochain. Avant de se séparer, elle croit utile de fixer l'état d'avancement de ses travaux.

(A.)

La commission estime que la réorganisation prescrite par la cinquième disposition particulière des accords du 25 juillet 1928 doit être effectuée sur les bases suivantes :

I. Institution de deux conseillers de Cour d'Appel résidants, l'un espagnol et l'autre français, se partageant par roulement triennal la présidence permanente de la Cour d'Appel et la Direction du Parquet auprès de toutes les instances de la juridiction.

II. Attribution des deux autres sièges de la Cour d'Appel à des magistrats forains, dont l'un sera espagnol ou français, suivant que le président de la Cour sera français ou espagnol et dont l'autre appartiendra, suivant les sessions, à l'Angleterre, à l'Italie, aux Pays-Bas ou au Portugal, sous la réserve, en ce qui concerne ces deux dernières Puissances, que, si l'une d'elles était appelée à fournir la Commission supérieure de Cassation, elle ne serait pas représentée dans la Cour d'Appel. Les magistrats affectés à la Cour d'Appel devront, pour autant que l'organisation judiciaire de leur pays s'y prêtera, avoir le rang de conseillers de Cour d'Appel.

III. Affectation au Tribunal mixte (Tribunal du premier degré) de cinq magistrats résidants de grade égal (un anglais, un belge, un espagnol, un français, un italien). Ces magistrats devront, pour autant que l'organisation judiciaire de leur pays s'y prêtera, avoir le rang de juges de première classe ou posséder les qualifications requises pour y accéder.

IV. Institution d'une présidence du Tribunal mixte dévolue par roulement triennal au juge anglais et au juge italien.

(B.)

Pour répondre à la demande qui lui en a été faite par le Comité de Contrôle de la Zone de Tanger, la commission a étudié les conséquences qu'entraîne pour l'organisation de la Juridiction internationale la disposition particulière No. 1 des accords du 25 juillet 1928 relative aux pouvoirs de l'Administrateur-Adjoint chargé des Services judiciaires.

Toutes les délégations sont d'accord pour approuver les principes exposés par une note ci-jointe de la délégation française (Annexe No. 1), sauf en ce qui concerne l'organisation du secrétariat-greffe.

La commission est unanime à penser qu'il convient de distinguer parmi les services actuellement assurés par cet organisme, entre les services *auxiliaires* de la Juridiction internationale, tels que le greffe et l'interprétariat, qui doivent relever directement de cette juridiction, dont ils font partie intégrante, et d'autres services, qu'on peut appeler *annexes*, qui présentent un caractère administratif et qu'il y aurait pour cette raison avantage à placer sous l'autorité de l'Administrateur-Adjoint chargé des Services judiciaires. Mais certaines délégations ne comprennent

parmi les services dits annexes que ceux qui n'ont avec les tribunaux aucun rapport direct, tels le notariat et le service des actes proprement extra-judiciaires. D'autres délégations, au contraire, élargissent cette notion en rangeant au nombre des services administratifs ceux qui, tout en étant chargés d'exécuter les décisions judiciaires, ne collaborent pas directement et étroitement avec les juges : tels le service des exécutions en matière civile et celui des missions judiciaires.

(C.)

Au cours de ses délibérations, la commission est tombée d'accord sur la nécessité d'établir une liaison aussi étroite que possible entre la Juridiction internationale et l'Administration de la Zone sans porter atteinte à l'indépendance de cette juridiction. Les considérations développées à ce sujet dans une note remise par la délégation française (Annexe No. 2) ont retenu son attention. La commission estime que l'Administrateur-Adjoint chargé des Services judiciaires est qualifié pour assurer cette liaison sous l'autorité de l'Administrateur.

D. DE LAS BARCENAS.
ELADIO DE URDANGARIN.
R. DE SAINT-QUENTIN.
R. F. WIGRAM.
ROBERT GEOFFREY FITZGERALD.
R. BOSCARELLI.
MASSIMO PILOTTI.
UGO ALOISI.

Le 13 *juillet* 1929.

Annex No. 1 to Enclosure.

Note de la Délégation française concernant les Pouvoirs de l'Administrateur-Adjoint chargé des Services judiciaires.

Les accords du 25 juillet 1928 qui ont institué un Administrateur-Adjoint placé "sous les ordres de l'Administrateur" et "spécialement chargé, avec le titre de Directeur, des Services judiciaires," ont déterminé ainsi qu'il suit les attributions de ce fonctionnaire : "L'Administrateur-Adjoint chargé des Services judiciaires a sous son autorité les Services administratifs de la Juridiction internationale, les Services pénitentiaires, et le Service des Publications officielles. Il veille à l'exécution des jugements rendus par le Tribunal mixte en matière pénale. Il remplit, en outre, les fonctions de Conseiller de l'Administration de la Zone en toutes matières juridiques et législatives, sous réserve des attributions des autres administrateurs-adjoints."

Certaines des attributions ci-dessus (Services pénitentiaires, Publications officielles) n'ont pas à être examinées par la commission, qui n'a été chargée (accord C-V) que "d'élaborer une réforme de la juridiction internationale."

Restent donc :

1. La question de savoir quels sont "les Services administratifs de la Juridiction internationale" sur lesquels doit s'exercer l'autorité de ce fonctionnaire;
2. La question de la mise en pratique de la disposition relative à l'exécution des peines. On peut y ajouter :
3. La question de l'intervention de l'Administrateur-Adjoint comme conseiller juridique de l'Administration, dans l'élaboration des améliorations à apporter à l'organisation et au fonctionnement de la Juridiction internationale.

I.—*Des "Services administratifs de la Juridiction internationale."*

Cette première question est de beaucoup la plus importante et la plus délicate. Quels sont les services que le protocole a entendu désigner sous le nom de "Services administratifs de la Juridiction internationale"? On n'en voit pas d'autres que ceux qui, confiés à des agents n'ayant pas la qualité de magistrats, assistent la Juridiction internationale et en constituent, plus ou moins étroitement

des dépendances. Ces services, bien que multiples, n'en forment actuellement que deux: le secrétariat-greffe et l'interprétariat.

L'Article 14 du dahir d'organisation judiciaire qui n'a, d'ailleurs, fait que reproduire les dahirs promulgués, à l'origine, en zone française, énumère les services gérés par le secrétariat-greffe: les agents du secrétariat-greffe sont chargés "de la tenue du greffe, du notariat et de la comptabilité. Ils opèrent, en outre, les actes de sommation, de notification, d'exécution et de constat ordonnés par les magistrats. Ils sont, enfin, chargés des fonctions de syndic de faillites ou de liquidateur judiciaire, ainsi que des fonctions de curateur à succession vacante . . . ."

Entre des services si divers une distinction s'impose. Il n'est, en effet, pas possible de les considérer tous, dans une mesure égale, comme constituant des "services administratifs." A ce point de vue, il y a lieu de les ranger en deux catégories bien distinctes: les services que nous appellerons "services *auxiliaires* de la juridiction internationale," et ceux que nous appellerons "services *annexes*" de ladite juridiction.

Dans la première, nous classerons le service du *greffe* proprement dit et le service de *l'interprétariat*.

Les greffiers et commis-greffiers font partie intégrante de la juridiction: ils sont à la fois les secrétaires des juges, les témoins de leurs actes, les conservateurs de leurs archives. Un tribunal ne peut valablement se constituer, un juge valablement agir, hors de leur présence et sans leur assistance. A ces divers titres, on ne saurait dire qu'ils appartiennent à un service administratif, et l'autorité dont il est indispensable qu'ils relèvent en premier lieu est celle des magistrats auprès desquels ils sont placés. Il suit de là que le greffe ne peut dépendre d'une manière exclusive de l'Administrateur-Adjoint. Nous disons "d'une manière exclusive," reconnaissant volontiers, par ailleurs, qu'à raison de leur caractère de fonctionnaires publics, il est rationnel de soumettre les agents du greffe, dans une certaine mesure, à l'autorité du représentant du pouvoir exécutif.

La délégation française est ainsi amenée à proposer que l'Administrateur-Adjoint ait voix au chapitre pour la nomination de ces agents, leur licenciement, leur révocation, leur avancement, leurs congés.

Ce que nous venons de dire du greffe s'applique exactement à l'interprétariat. Les interprètes sont, en effet, les auxiliaires directs et constamment à la disposition des juges, qui sont évidemment seuls bien placés pour organiser leur service.

En résumé, la délégation française estime qu'en ce qui concerne les services *auxiliaires* de la Juridiction internationale (greffes et interprétariat), les pouvoirs de l'Administrateur-Adjoint doivent trouver leur limite dans ceux des magistrats.

Il en est tout autrement des services *annexes*, qui comprennent: le service des exécutions en matière civile (saisies, ventes publiques de meubles, expulsions de lieux) et des actes extra-judiciaires (sommations, protêts, constats), le service des missions judiciaires (faillites, séquestres, curatelles), et le service du notariat.

Les deux premiers sont chargés d'exécuter les décisions judiciaires, mais ne collaborent pas directement et étroitement avec les juges; le troisième n'a avec les tribunaux aucun rapport direct. Il faut bien reconnaître que, malgré leur très grande importance, ce sont ces trois services que les magistrats, surtout préoccupés et absorbés par leur judicature, sont le moins en mesure de diriger et de surveiller; on l'a malheureusement constaté au Maroc français, où l'on étudia la possibilité de les faire passer sous une surveillance purement administrative. Il y aura donc tout avantage à réaliser dès à présent cette excellente réforme à Tanger: la direction vigilante et éclairée de l'Administrateur-Adjoint, à la fois administrateur et juriste, offrira certainement, pour son succès, le maximum de garanties. La délégation française propose, en conséquence, que ces trois services relèvent exclusivement de ce fonctionnaire.

Toutefois, pour y parvenir, il faudra nécessairement faire un partage des différentes attributions du secrétariat-greffe actuel. Mais rien n'est plus facile, et nous ajoutons: rien ne sera plus avantageux, rien même n'est plus nécessaire. Depuis 1920, ce partage est opéré en zone française. L'expérience n'avait pas, en effet, tardé à démontrer que la réunion de fonctions multiples et extrêmement diverses entre les mains des mêmes agents, engendrait le désordre et des retards considérables, principalement dans l'exécution des jugements civils. D'après les rapports reçus de Tanger, il en est déjà de même dans la zone. Il faut donc en venir sans tarder à la réforme qui a donné au Maroc français d'excellents résultats. Il y existe actuellement, tout au moins auprès des tribunaux les plus occupés: (1) des greffes proprement dits; (2) des bureaux chargés des actes d'exécution et de la notification des actes extra-judiciaires; (3) des bureaux chargés des missions et des gestions

judiciaires; (4) des bureaux du notariat auxquels on substitue peu à peu des notaires, fonctionnaires qui partagent avec le Trésor le produit de leurs actes.

Que le nouveau dahir, d'organisation judiciaire, sans aller jusqu'à créer, pour le moment, de véritables bureaux et sans augmenter outre mesure le personnel, scinde, d'après l'expérience faite dans la zone voisine, les trop nombreuses fonctions réunies, jusqu'à présent, dans l'unique secrétariat-greffe: il aura, à la fois, retiré de l'ordre dans des services essentiels à la bonne administration de la justice, et permis de déterminer de la façon la plus simple les pouvoirs de l'Administrateur-Adjoint à l'égard de ces services—pouvoirs qui ne sauraient être absolument les mêmes pour tous.

II.—*Exécution des Peines.*

Les attributions de l'Administrateur-Adjoint en cette matière ne soulèvent aucune difficulté pratique, étant bien entendu qu'il se maintiendra en liaison avec l'autorité judiciaire.

En France, c'est aux parquets qu'il appartient d'assurer l'exécution des jugements rendus par les tribunaux de répression. Le protocole en dispose autrement pour Tanger. Le procureur adressera donc à l'Administrateur-Adjoint les extraits des jugements. Ce fonctionnaire fera le nécessaire sous sa seule responsabilité (transmission des extraits à la régie financière compétente pour le recouvrement des condamnations pécuniaires, application de la contrainte par corps faute de paiement, arrestation et incarcération des condamnés à l'emprisonnement, transfert des condamnés à la réclusion ou aux travaux forcés, exécution des condamnations capitales).

III.—*Elaboration des Réformes en Matière judiciaire.*

C'est là une tâche qui rentre tout naturellement dans la fonction de l'Administrateur-Adjoint comme conseiller du Gouvernement en toutes matières juridiques et législatives.

La délégation française verrait volontiers, ainsi que l'ont proposé d'autres délégations, ce fonctionnaire présider, avec l'assistance de magistrats et de juristes, à la préparation de tout un ensemble de perfectionnements dont la nécessité ne manquera pas d'apparaître, dès la mise en vigueur du nouveau régime.

Citons notamment:

Le statut dont il sera indispensable de doter le personnel des services auxiliaires et des services annexes.
Le régime du notariat.
Les frais de justice.
Le casier judiciaire.
Le règlement du barreau.
La refonte des codes.

Mais la délégation française croit devoir, en terminant, faire des réserves en ce qui concerne le véritable pouvoir législatif que certaines propositions tendaient à confier, en matière de réformes judiciaires, à l'Administrateur-Adjoint. Que ce fonctionnaire participe à l'élaboration de ces réformes, c'est là, pour lui une fonction normale et qui lui est d'ailleurs dévolue par le protocole. Mais décider qu'il pourra, comme président d'une "Commission des Règlements" que le nouveau dahir instituerait à titre permanent, "*édicter*" et rendre exécutoires des textes nouveaux, même avec l'approbation du Comité de Contrôle, ce serait manifestement empiéter sur les pouvoirs de l'Assemblée législative (article 32 de la convention de 1923).

Annex No. 2 to Enclosure.

Note de la Délégation française sur la Nécessité d'établir une Liaison entre la Juridiction internationale et l'Administration de la Zone.

Les délibérations que la commission a consacrées jusqu'à présent à l'organisation de la présidence de la Cour d'Appel mixte et du Tribunal mixte de première instance, ont fait ressortir toute l'importance qu'elle attache, avec raison, à l'heureuse solution de ce problème en vue d'assurer le fonctionnement régulier de la Juridiction internationale. Elles ont, cependant, amené la délégation française à se demander si

cette solution, une fois trouvée, sera à elle seule de nature à réaliser complètement le but poursuivi, et elle désire faire part à la commission de ses préoccupations à ce sujet.

On ne saurait se le dissimuler, le service de la justice à Tanger est, par la force des choses, affecté d'un vice essentiel. Ce vice consiste en ce que la Juridiction internationale constitue, dans l'ensemble des institutions de la zone, un organisme complètement isolé, en quelque sorte replié sur lui-même, échappant à tout contrôle, maître absolu de son fonctionnement. Ses magistrats sont entièrement indépendants et n'ont à rendre compte de leurs actes à aucune autorité placée au-dessus d'eux : c'est au point que si la conscience de ses membres ne la préservait pas de tels excès, on pourrait voir la Juridiction internationale élever, sans aucune sanction possible, les conflits les plus redoutables avec les différents corps de l'Etat.

C'est là une situation exceptionnelle. Dans la plupart des Etats de l'Europe continentale, les corps judiciaires sont dans la dépendance et soumis à l'autorité d'un Ministre, représentant du pouvoir exécutif : il va sans dire que celui-ci n'a pas à s'ingérer dans l'exercice de la juridiction des tribunaux; mais il contrôle rigoureusement leur activité et la régularité de leur fonctionnement; leurs membres relèvent de lui; ceux qui sont amovibles sont révocables à sa volonté; contre les inamovibles, il peut mettre en mouvement l'action disciplinaire. Dans les colonies françaises, ces pouvoirs du Ministre se doublent de ceux des Résidents généraux et Gouverneurs. C'est uniquement à l'existence de ces pouvoirs que l'on doit l'ordre, la régularité, la discipline qui règnent dans les tribunaux et aussi la garantie la plus sûre de la dignité de leurs membres.

Aurons-nous suffisamment suppléé à l'absence de cette autorité supérieure par l'organisation, à l'intérieur de la Juridiction internationale, d'une hiérarchie des fonctions? Nous sommes loin de le penser. Supposons, en effet, cette juridiction pourvue de chefs placés aussi haut qu'on voudra, un président de la Cour d'Appel, un premier président même, un procureur général, supposons qu'ils soient investis des pouvoirs les plus étendus, de l'autorité la plus absolue sur les membres du corps judiciaire : mais eux-mêmes, qui les contrôlera, qui les censurera, au besoin? Ils exerceront des fonctions exactement semblables à celles de leurs subordonnés, ils seront, comme eux, des juges chargés des plus lourdes responsabilités morales : mais personne ne pourra leur interdire à eux-mêmes de commettre les fautes qu'ils auront le droit de reprocher à leurs inférieurs! Et s'ils négligent leurs devoirs vis-à-vis de ces derniers ou s'ils en abusent, qui donc leur en fera grief? En France notamment, les chefs les plus élevés de la magistrature ne tiennent leurs pouvoirs que d'une délégation du chef suprême, le Ministre, qui, lui, n'étant pas un juge n'est pas exposé à commettre leurs fautes professionnelles; ils n'agissent que pour lui et par son ordre; ils sont les premiers soumis à son contrôle et responsables devant lui. A Tanger, rien de tel : indépendance absolue, hier de l'Assemblée des titulaires, demain, si on n'y avise pas, des chefs dont vous aurez pourvu la juridiction. La gravité d'une telle situation saute aux yeux.

Comment y remédier? A vrai dire, on n'y parviendra qu'assez imparfaitement. L'organisation administrative de la zone rend difficile la subordination complète de la magistrature à l'une quelconque des autorités publiques qui y sont établies. C'est évidemment l'Administrateur, doublé de son adjoint chargé des services judiciaires, qui est seul qualifié pour relier la Juridiction internationale à l'Administration. Mais il est indéniable que, simplement chargé par l'article 35 de la convention de 1923 " de l'administration internationale de la Zone de Tanger," il ne saurait avoir, tout au moins sur ladite juridiction, les pouvoirs d'un véritable Ministre, ni même ceux d'un Gouverneur de colonies, dépositaire de la puissance publique. On ne peut donc songer—quelque regrettable que soit cette solution négative—à placer la Juridiction internationale dans la dépendance complète d'une autorité supérieure, représentant vis-à-vis d'elle le pouvoir exécutif.

Mais, à défaut de cette dépendance complète, il est, du moins, possible d'instituer un régime susceptible d'atténuer, dans une mesure appréciable, les inconvénients inhérents à une autonomie trop absolue. Si la magistrature ne peut, à Tanger, relever entièrement d'une autorité administrative, est-ce une raison pour qu'elle demeure dans son dangereux isolement, pour qu'elle échappe à toute investigation, à tout contrôle? La délégation française ne le pense pas. Elle estime que les pouvoirs publics, et spécialement l'Administrateur, ont le droit de savoir ce qui se passe au sein de la Juridiction internationale. L'Administrateur en a le droit pour les besoins de son administration, ne serait-ce que pour proportionner les crédits budgétaires du Service de la Justice aux résultats obtenus par le zèle de ses magistrats—ne serait-ce aussi que pour apprécier le bien ou le mal fondé des

réactions que peuvent provoquer, dans le public, les actes des magistrats. Il faut, enfin, qu'il puisse se faire entendre de la juridiction par l'organe du Ministère public, dans toutes les questions qui intéressent l'ordre public.

Ainsi, à défaut d'une subordination, institution d'une liaison aussi étroite que possible entre la justice et l'administration: c'est à quoi conclut la délégation française.

Cette liaison pourrait se réaliser :

1. En établissant des rapports réguliers entre les magistrats chargés du parquet et de la présidence de la cour, d'une part, et l'Administrateur ou son adjoint, d'autre part;
2. A l'occasion des vacances et des congés;
3. En matière disciplinaire;
4. Entre l'Administrateur ou son adjoint et le chef du parquet.

Nous allons passer en revue très rapidement ces divers points.

I.—*Rapports de l'Administrateur ou de son Adjoint avec le Chef du Parquet et le Président de la Cour d'Appel.*

Il va de soi que l'Administrateur ou son adjoint est en rapport avec ces magistrats pour tout ce qui concerne les prévisions budgétaires, la vérification et le règlement des dépenses de la Juridiction internationale. Ils seront également en rapport pour l'organisation des sessions de la Cour d'Appel, l'Administrateur étant chargé, sur les indications et propositions du président et du procureur, d'assurer la convocation des magistrats non résidants.

Mais ces rapports ne sauraient être les seuls. Nous considérons comme indispensable que le président de la cour et le procureur adressent périodiquement et fréquemment à l'Administrateur, par l'intermédiaire de son adjoint, des états ou relevés des travaux de la Cour d'Appel, de la Cour criminelle, du tribunal de première instance et du tribunal de paix; nombre des affaires nouvelles, nombre des affaires jugées, nombre des affaires restant à juger, durée des instances, affaires à l'instruction, détenus préventivement et durée de la détention préventive, dates des audiences tenues avec indication des magistrats qui y ont participé et des excuses des absents, état des congés, &c.

Enfin, il importerait d'accorder à l'Administrateur le droit de demander au président et au procureur les renseignements ou les explications que rendraient nécessaires soit les réclamations dont il pourrait être saisi, soit les indications qui pourraient lui venir de diverses sources, concernant les actes des magistrats ou le fonctionnement de la juridiction.

II.—*Vacances, Congés.*

Suivant la plupart des suggestions parvenues de Tanger, il serait à souhaiter que la période des vacances judiciaires soit de quatre mois (du 1er juillet au 31 octobre), et que les magistrats, quelles que soient leurs fonctions, soient tenus de prendre leur congé (deux mois) pendant cette période; cette proposition paraît des plus pratiques et la délégation française s'y rallie en principe. Elle pense, d'autre part, que la répartition des congés, pour cette période des vacations, devrait être faite par la cour, à l'une de ses sessions. Mais il lui paraît, dans tous les cas, convenable et nécessaire que cette répartition, une fois arrêtée, soit portée à la connaissance de l'Administrateur.

Il pourra arriver que des permissions d'absence soient accordées à des magistrats, en dehors des vacations, pour des causes imprévues, graves et urgentes. Nous ne verrions pas d'inconvénient à ce qu'elles le soient par le président de la cour et, en ce qui concerne les magistrats appartenant aux juridictions de première instance, sur la proposition du président du tribunal; mais nous pensons que le président de la cour devrait immédiatement en rendre compte à l'Administrateur.

Enfin, s'il s'agit du président de la cour ou du procureur général, quelle que soit la réglementation adoptée, il conviendra que l'Administrateur soit officiellement avisé de l'absence de ces magistrats, de ses motifs et de sa durée.

III.—*Discipline.*

La délégation française se réserve de présenter un projet complet concernant la discipline des magistrats. Mais elle tient à déclarer, dès à présent, que ce projet n'exclut pas totalement l'Administrateur de l'exercice de l'action disciplinaire. Il prévoit que l'action disciplinaire (qui serait portée devant la Cour d'Appel) sera exercée : (1) par le procureur général; (2) à son défaut, par le président de la cour, de son initiative propre ou sur la proposition du président du tribunal; (3) à leur défaut à tous deux par l'Administrateur, sur la proposition de l'Administrateur-Adjoint.

Cette solution est nécessaire. D'une part, il peut arriver que, par faiblesse ou bienveillance injustifiée, les chefs de la cour hésitent à agir disciplinairement contre un collègue. D'autre part, il est possible (cela malheureusement s'est vu, en France même) que ce soit l'un des chefs de la cour qui tombe sous le coup d'une répression disciplinaire, et c'est alors surtout que son collègue hésitera à le déférer à ses juges. Cependant, l'ordre public dont l'Administrateur est le gardien peut être au plus haut point intéressé à ce que cesse une situation scandaleuse et qu'elle reçoive sa sanction légale; il est donc indispensable que l'Administrateur puisse, en cas d'abstention des représentants qualifiés de l'autorité judiciaire, saisir lui-même la juridiction compétente.

IV.—*Rapports de l'Administrateur et du Ministère public.*

Les magistrats du Ministère public sont les représentants du Gouvernement auprès des tribunaux : c'est là un principe qui est de *l'essence* même de la fonction. Toutes les législations de l'Europe continentale le consacrent. En Égypte, l'article 45 du Règlement judiciaire pour les Tribunaux mixtes dispose : " Les magistrats du parquet sont amovibles; ils exercent leurs fonctions en qualité d'agents du Gouvernement, dont ils dépendent exclusivement." Peut-on, d'ailleurs, concevoir un *procureur* qui ne soit le procureur de personne? On est ici près de l'absurde!

Les rapports reçus de Tanger, et principalement celui de M. l'Administrateur Alberge, ont fait ressortir ce qu'un état de choses différent (ou que l'on a cru, sans doute à tort, différent) avait d'anormal et de périlleux. Puisque le lien qui doit nécessairement unir le Ministère public et le pouvoir exécutif a été contesté dans la zone, il importe d'en affirmer le principe, comme on l'a fait en Égypte, de la manière la plus catégorique, dans le nouveau statut de la juridiction internationale.

Il faut, d'ailleurs, que cette notion soit bien comprise. Spécialement, il est essentiel de ne pas confondre les *administrations publiques*—qui, lorsqu'elles défendent devant un tribunal leurs intérêts propres, sont considérées comme des particuliers—avec le *Gouvernement*, qui, lui, a la charge de la sécurité, de la moralité et de l'ordre publics: c'est seulement, bien entendu, à cet égard et pour la sauvegarde de ces grands intérêts généraux, que le Ministère public représente le Gouvernement. Il est son porte-parole devant les tribunaux pour leur exposer l'importance qui s'attache à la stricte et exacte application de telle ou telle loi dans l'intérêt de la chose publique. Et, dès lors, il faut nécessairement admettre que le Gouvernement soit assuré de pouvoir faire présenter son point de vue par le Ministère public à la souveraine appréciation des juges.

Avant d'en terminer sur ce sujet, la délégation française tient à déclarer qu'elle n'a pas perdu de vue la proposition de M. le Conseiller Aloisi tendant à ce que l'Administrateur-Adjoint soit admis à remplacer le procureur absent ou empêché. Sans nier les avantages pratiques que pourrait présenter ce remplacement dans certaines circonstances urgentes, la délégation française hésite à en accepter le principe. Il est, en effet, anormal et peu souhaitable qu'un fonctionnaire de l'ordre administratif se substitue à un magistrat de l'ordre judiciaire. Il semble, d'ailleurs, qu'il sera toujours possible de faire assurer le service du parquet, soit par un des magistrats du tribunal, soit, au besoin, par un magistrat non résidant.

Tels sont les liens par lesquels la délégation française désirerait que la juridiction internationale fût rattachée à l'Administration tangéroise. On constatera qu'ils ne sont ni très étroits, ni très rigoureux et qu'ils ne compromettent en rien ni l'indépendance, ni la dignité de la magistrature. Ils constitueraient, au contraire, pour elle une sauvegarde précieuse et, pour le bon fonctionnement de la juridiction internationale, une garantie, sinon parfaite, du moins très appréciable.

Le 6 juin 1929.

[W 8281/1/28] No. 8.

Acting Consul-General Hope-Gill to Mr. A. Henderson.—(*Received August* 26.)

(No. 154.)

Sir, *Tangier, August* 17, 1929.

I HAVE the honour to report that the acting French consul-general informed the Committee of Control yesterday that, M. Alberge having asked to be relieved of his duties as Administrator in order to take up another appointment, the French Government had chosen M. Le Fur, " Chef du Service du Contrôle des Municipalités à la Résidence générale de France à Rabat," to replace him. M. Pinoteau has therefore asked the Committee of Control to seek from His Majesty the Sultan the appointment of M. Le Fur as Administrator of the Tangier zone.

2. This morning's " Dépêche marocaine," the leading French organ in Tangier, devotes half a dozen lines to the news. If, says the editor succinctly, the news is true "nous ne pourrions que féliciter M. le Résident général d'avoir su discerner, malgré les avis contraires, qu'à la tête de notre zone devait être placé un véritable administrateur et non un fonctionnaire voulant faire figure de diplomate."

3. While not wishing to suggest that it is M. Alberge's remarkable powers of criticism and repartee which have laid him open to the charge of masquerading as a diplomat, I think there is little doubt that it is just these powers which have been most fully exercised during the past four years to the almost total neglect of any faculty for organisation and administration which he may possess. The Administrator has spent his period of office in an armchair, so to say, rather than in the saddle. His activity of mind and his strength of character have been utilised more for the organisation and defence of his own position than for the co-ordination of international government and the general good of Tangier. Paul Alberge, first and foremost, Frenchman next, and an administrative official last of all, he is hewn as an Epstein effigy upon the crowded façade of this international régime, admired by the few, who therefore form the elect, and much disliked by the great majority.

4. His blatant egotism and lack of tact are his chief defects. They have combined with the unforgivable knack, which he has, of generally being right, to estrange the greater number of those who should have been his collaborators, French no less than those of other nationalities. The majority of the French colony cordially dislike him. The British financial administrator is, to his credit, one of the few officials who has throughout been able to work in harmony with him. The British Vice-President of the Assembly has also succeeded in co-operating with him more successfully than have most members of the Legislature. But it is M. Alberge's undisguised hostility to the Spaniards and everything Spanish (except, curiously enough, Cervantes, of whose work and influence on French literature he is making an enthusiastic study) that has done more than anything else to hamper the naturally difficult growth of goodwill in this cosmopolitan place. As for those placed higher than himself in the scale of authority, and not excepting the Committee of Control, he has treated them with but thinly veiled contempt. His relations with his own consulate-general were for some time definitely bad but have changed since the arrival of M. de Witasse, who has, I understand, recently been doing his best at the Quai d'Orsay to secure the retention of M. Alberge as Administrator with an increase of salary to be met from metropolitan funds. It is possibly to this that the " Dépêche " refers in the article quoted above.

5. It is less easy to speak of the good which M. Alberge has done, for his undoubted talents are of the kind which, in such a post as his, produce friction rather than movement. It can at least safely be said that there has been no retrograde movement, for the general aspect of Tangier has greatly benefited by the introduction of the international régime. This result is, however, largely due to the engineers, and little or not at all to the Administrator, who has more than once been severely criticised for his lack of support for schemes of improvement. The sanitation of the native town, for instance, which has a definite touristic value, is still far from completed. He seems to have been more in sympathy with the work of the French State engineer, whose department has made notable progress.

6. M. Alberge's bent, as befits a Frenchman, is more rhetorical and literary than practical. His powers of drafting and debate have been of undoubted assistance to the formation of the body of much needed, if ill-digested, legislation which Tangier now possesses. His work on this subject in committee has been of great value and is all the more creditable because it has been done without the assistance of a legal adviser. It is his financial flair, however, which has stood him

in best stead. It will always be remembered to this Administrator's credit that he husbanded the resources of the zone, in co-operation of course, with his Director of Finance, and defended its financial interests as stoutly against the French zone as against the Spanish zone.

7. M. Alberge goes to an important post in the Treasury Department of the Residency at Rabat. He is undoubtedly a man to watch and will very probably follow in the steps of M. Piétri to Paris, unless he falls out with the Resident General on the way. I mention this possibility, as I learn that he has already had a difference of opinion with M. Saint when last in Rabat. But wherever he goes, M. Alberge will always make himself felt, will generally be respected, and will seldom be liked.

8. At the suggestion of some of my colleagues and before formally approving the submission of M. Le Fur's nomination to the Sultan, I have telegraphed to Rabat to ask Mr. Rapp his opinion of M. Le Fur's capabilities and tact.

I have, &c.

C. G. HOPE-GILL.

[W 9999/1/28] No. 9.

Mr. Gurney to Mr. A. Henderson.—(Received October 15.)

(No. 178.)

Sir, *Tangier, October 7, 1929.*

WITH reference to Mr. Hope-Gill's despatch No. 154 of the 17th August, I have the honour to report that M. le Für assumed the functions of Administrator of the Tangier Zone on the 1st instant.

2. As stated in that despatch, M. le Für had been head of the Municipalities Department at Rabat. Previous to that he had been in charge of municipal services at Meknes and Casablanca. He has therefore had considerable experience in the kind of work which he will be called upon to perform at Tangier, and it is to be hoped that he will be able to adapt himself to the international atmosphere, which must be very different from that prevailing at his previous posts.

3. M. le Für comes here with a "good press," and he has made a favourable first impression. His wife is half English, and he professes Anglophile sympathies. At the same time I am somewhat doubtful whether he has the ability and detachment of his predecessor, who, in spite of faults of manner, undoubtedly did much good work in laying the foundations of the International Administration, and cannot, I think, be accused of unduly favouring his compatriots or French interests.

4. M. le Für made his first appearance before the Assembly on the 2nd instant, when cordial speeches of welcome were addressed to him by the various vice-presidents. I enclose a translation of a speech which he made in reply.

I have, &c.

HUGH GURNEY.

Enclosure in No. 9.

Extract from the "Tangier Gazette," formerly "Al-Moghreb-al-Aksa and Morocco," of October 5, 1929.

M. LE FÜR'S SPEECH.

(Translation.)

Excellence and Gentlemen,

I SHOULD indeed fail to be honest were I to say that I am absolutely unmoved on entering for the first time this building where the spirit of creation reigns that inspires the Administration. I am extremely grateful for the kind sentiments towards me which have been so happily expressed by the delegates and vice-presidents, as well as by the delegates of the Israelites and Moslem delegates. They are of a nature to calm my apprehensions whilst stimulating my desire to respond to your expectation.

I come to you without a programme (we shall make one together). I can at all events make my profession of faith or, more correctly, disclose the state of my mind. After a certain amount of hesitation, due to a natural attachment to my former duties, I have agreed to come to Tangier because I have been attracted by the charming frame of the zone and interested in the field of activity it opens up. I am not ignorant of the complex nature of the work to which you gentlemen of the Assembly and my eminent

predecessor, seconded by his devoted assistants, have consecrated your best efforts. You have known difficult times as successors of a patrimony so diverse in its aspect and its depths that it might justify constant vigilance and jealousy on the part of the co-heirs. To-day the task is still arduous, but is it really impossible to follow the Tangerines in their legitimate aspirations? The future will tell us. For my part I shall tackle the problem without presumption certainly, but also without pusillanimity, pinning my faith on a method flowing naturally from the wisdom of the signatories of the convention which we must respect. I consider myself rather as the managing director of a consortium with various economic interests, to the development of which I must devote all my intellectual and moral faculties. I am not afraid to defend myself against any tendency to particularism, to guarantee a loyalty and impartiality (traditional in the centre where I have been trained), and which here will be shown by an aspiration towards a social life founded on application in work and the cultivation of good faith. It is thanks to the sincerity of directors this sterile rivalry can give way to emulation; reciprocal confidence generating harmony in effort may produce as a fortunate consequence the prosperity of the community.

We should realise thus, our little body, the immense ambition fostered elsewhere, of giving to the world the radiant example of the sweetness of fruitful peace. That this dream may be realised is a wish that we must all formulate from the depth of our hearts. To come back to present realities I will ask you (as well as the representatives of the international press who have given me such a cordial encouragement) to declare widely that your administrator will receive with pleasure suggestions, without annoyance, requests (emanating from the subjects of all nationalities and all races), provided they are compatible with the conscience of the man and the dignity of the depositary of your rights. I end this too long account of my feelings by asking you to conclude with me that in the absence of other qualities you will certainly, and whatever may happen, accord me the character of a man of good will.

[W 10899/1/28] No. 10.

Mr. Gurney to Mr. A. Henderson.—(Received November 15.)

(No. 194.)

Sir, *Tangier, November 7, 1929.*

I HAVE the honour to report that Mr. Dicken, the Director of Finance, submitted his budget for 1930 to the Assembly on the 30th ultimo. I transmit herewith a copy of the statement which he made in doing so, together with a summary showing the estimated receipts and expenditure as compared with the budget for 1929.

2. As pointed out in Mr. Dicken's statement, provision is made in this budget for what he terms obligatory expenditure and maintenance only, and further estimates will be submitted in due course for expenditure on new public works for which the reserve fund will be drawn upon.

3. This reserve fund at present amounts to nearly 6½ million francs. Out of this, however, a sum of 3,350,000 fr. must be ear-marked for the payment of arrears of the zone's share of the service of the 1904 and 1910 loans when its amount has been definitely assessed. There is also an emergency fund of 1 million francs which cannot be touched. The sum available is therefore reduced to 2,150,000 fr., but to this will probably be added a surplus of some 2 million francs which Mr. Dicken hopes to realise at the end of the current year.

4. As Mr. Dicken has pointed out on previous occasions, he had anticipated that this would be one of the most difficult years in the financial history of Tangier. Although, however, the difficulties which he foresaw have not entirely disappeared, the satisfactory results of 1929 give reason, he says, to anticipate that Tangier will be able to meet its engagements in 1930 and to execute further public works without having recourse to any increase in taxation, even if the export duties are gradually reduced as has been decided upon in principle.

5. Mr. Dicken anticipates a surplus of a little over a million francs in the year 1930, but, as he points out, he has not been able to include in his budget any estimates for the Court of Appeal, which it is proposed to institute, nor can he foresee the results of the revision of salaries which is now in contemplation.

6. He adds that the fact that further expenditure must be anticipated to complete the development of the town constitutes an additional reason for not regarding this

surplus as free from encumbrances. In issuing this warning, Mr. Dicken tells me that he had in mind the fact that additional sums must shortly be provided for the completion of the port. It has hitherto been maintained by the Administration that, according to the letter of the Port Agreement, such additional sums must be furnished by the Port Company itself. It is clear, however, that the company will not be in a position to do so unaided, and that the International Administration will have to find the money in some way or other with the guarantee, no doubt, of the Shereefian Government. He did not desire, however, to make any public statement which might embarrass future negotiations with the company, and he purposely phrased his warning in vague language.

7. From Mr. Dicken's statement it will be seen that the financial position of the zone is not unfavourable, and that in framing his budget he viewed the future with comparative equanimity. He has, however, informed me that since making his statement he has received the customs budget and finds that it provides for an increase in the salaries of the customs officials amounting to some 600,000 fr. As you are aware, the head of the customs administration is appointed by Rabat, whilst the officials are seconded from the customs service of the French Zone. The budget is prepared by the head of the customs independently of the International Administration and in collaboration with the authorities of the French Zone. The salaries are calculated on the basis of those payable to similar officials in the French Zone. These salaries have recently been increased, and it is desired to bring those of the officials serving in the Tangier Zone to the same level. The customs salaries, however, are already higher than those payable to other officials in the service of the International Administration, and any further increase must result in a strong demand for a corresponding increase in the scale of other salaries. If the present demand is accepted, therefore, it will mean not merely an increase in the budget expenditure of the 600,000 fr. in question, but a considerable further increase which could scarcely be met without an increase in taxation, and it will render it still more difficult to find the money needed for the port. The matter will consequently have to be carefully examined and an attempt will have to be made to reduce the demands of the Customs Service.

8. As regards the budget figures, it will be seen that the total revenue is estimated at 25,443,500 fr. and the expenditure at 24,380,111 fr. This represents an increase in receipts as compared with 1929 of some 1½ million francs. The main increase comes from the customs, which have shown a satisfactory buoyancy during the current year. A considerable revenue is also anticipated from the newly created tobacco tax. On the other hand, judging from the results of the first nine months of this year, the consumption duties are expected to show a falling-off. The expenditure calls, I think, for no particular comment at the present stage. The increase over last year amounts to about 410,000 fr., and is largely due to a normal increase in salaries and items of minor importance.

I have, &c.
HUGH GURNEY.

Enclosure 1 in No. 10.

Statement.

M. L'ADMINISTRATEUR vous ayant présenté dans ses grandes lignes le projet de budget de la zone pour l'année 1930, il ne me reste qu'à ajouter quelques éclaircissements supplémentaires.

Je veux tout d'abord vous rappeler d'une façon toute particulière que le budget annuel qui vous est présenté chaque année au mois d'octobre ne représente dans sa première partie qu'une portion de ce qui sera dépensé au cours de l'exercice. Ce n'est qu'un budget de dépense obligatoire et d'entretien. La seconde partie, alimentée par les sommes retirées du fonds de réserve, est destinée à faire face à tous les travaux neufs ainsi qu'aux améliorations et embellissements de la ville, exception faite des travaux du port et du chemin de fer qui figurent parmi les dépenses obligatoires.

Le principe suivi depuis le début du statut a toujours été le même: payer les frais d'entretien sur les prévisions de l'année en cours, mais ne pas se lancer dans des travaux neufs sans avoir l'argent disponible sous la main. Ainsi, quoique la rubrique "Travaux neufs" ne figure pas dans le budget 1929, 4 millions, environ, de crédits se

sont trouvés disponibles dans la seconde partie du budget par suite des différents votes de l'Assemblée, sans compter les 2 millions restés au fonds de réserve libre de tout engagement.

Si vous considérez que nos travaux neufs les plus importants sont incontestablement ceux du port et du chemin de fer, quoiqu'ils ne figurent dans le budget que sous la modeste rubrique "Dette publique" et qu'ils représentent à eux seuls un effort annuel de l'ordre de 4,300,000 fr.; si vous ajoutez à ce chiffre environ 4 millions de francs de travaux en 1929 sur la seconde partie du budget, vous parvenez au total de plus de 8 millions de francs dans une année, entretien et marche normale des services mis à part sur un budget de 24 millions de recettes. Cela représente pour une zone aussi petite que celle de Tanger un effort d'autant moins négligeable que tous les travaux qui ont été payés pour les eaux jusqu'à concurrence de 600,000 fr. environ et qui n'entrent pas normalement dans un budget "d'entretien" ainsi que les crédits pour revêtements spéciaux qui sont de nature de travaux neufs pour 1 million de francs ont été considérés comme "entretien."

En résumé, la Zone de Tanger, en 1929, avec un budget de recettes annuelles évaluées à 24 millions de francs, a pu réserver au cours de cette année presque 10 millions pour des travaux neufs. Il ne faut pas oublier non plus que les sommes actuellement dépensées ont été encore supérieures, la zone ne payant que le service des emprunts du port et du Tanger–Fez.

Vous allez maintenant me demander, comme résultat de cet effort au cours de 1929, dans quelle situation financière nous nous trouvons au début de 1930. Je vous réponds: Le fonds de réserve dispose actuellement de 6,463,000 fr., mais tout ceci n'est pas libre. La contribution de Tanger à la dette marocaine est fixée par le statut d'après notre pourcentage, dans les recettes douanières du Maroc et, en attendant la fixation de ce pourcentage, nous versons 500,000 fr. à valoir. Ce pourcentage n'a pas encore été fixé depuis le début du statut et conséquemment nous avons continué à verser seulement les 500,000 fr. en question. Néanmoins, nous sommes endettés pour le reste. N'ayant aucun chiffre de base, nous avons mis de côté une somme de 3,350,000 fr. pour ce service jusqu'à fin 1928. Si on ne nous la réclame pas, tant mieux, nous gagnons l'intérêt, mais nous ne devons pas en disposer. D'autre part, il faut garder un million intact en cas de crise imprévue. Il reste libre de tout engagement 2,100,000 fr.

La clôture des comptes de l'exercice 1929 nous donnera certainement un excédent de 2 millions de francs, ce qui reportera notre fonds de réserve, libre d'engagement, à plus de 4 millions de francs.

J'avais toujours prévu que les quelques années que nous traversons actuellement seraient des années difficiles. Ces difficultés n'ont pas encore disparu, mais le résultat satisfaisant de l'année 1929 nous permet d'envisager l'année 1930 comme une année où nous pouvons faire face à nos engagements et même continuer le développement de la ville sans avoir recours à la création de nouveaux impôts, même en tenant compte de la disparition graduelle des droits d'exportation déjà décidée par l'Assemblée.

Nous avons donc une année inespérée, d'ailleurs, pour prendre haleine et nous préparer à de nouveaux efforts.

M. l'Administrateur vous a déjà dit que le budget d'entretien se solde par un excédent de 1,063,000 fr., mais cet excédent est établi en ne tenant pas compte de la nécessité, où nous serons sans doute en 1930, de pourvoir à la création d'une Cour d'Appel. Sans base de calcul et sans connaissance de la constitution de l'organisme qui sera créé nous n'avons pu faire d'évaluation.

Il y a aussi la répercussion financière possible du nouveau règlement du personnel actuellement à l'étude. Les crédits "personnel" ont été établis sur les anciennes bases, en attendant une décision. Par contre, profitant de l'année de répit que nous allons avoir, nous avons inséré les crédits pour les eaux dans le budget d'entretien comme l'année dernière, quoique j'aie l'intention de proposer qu'à l'avenir ils soient inscrits à la seconde partie du budget.

Vous comprendrez ainsi que l'excédent apparent est loin d'être librement disponible, étant données surtout les grosses dépenses probables que nous aurons dans un avenir prochain pour compléter le développement de notre ville.

Profitons donc de l'année 1930 pour consolider notre position, envisageons l'avenir avec nos espoirs renouvelés, mais avec sagesse et longue vue, et n'oublions pas la devise: "L'union fait la force."

Enclosure 2 in No. 10.

BUDGET, 1930.

1.—*General Receipts.*

—	1929.	1930.	Minus (—).	Plus (+).
	Fr.	Fr.	Fr.	Fr.
Direct taxes—				
Taxe urbaine	2,100,000	2,000,000	100,000	
Indirect taxes—				
Customs	8,869,000	10,000,000	..	1,131,000
Taxe spéciale	2,533,000	2,800,000	..	267,000
Taxe de consommation	3,240,000	2,510,000	73,000	
Registration and stamp dues	1,450,000	1,550,000	..	100,000
Tobacco tax—15 per cent.	..	1,000,000	..	1,000,000
Domains	100,000	110,000	..	10,000
Monopolies	2,260,000	1,970,000	290,000	
Miscellaneous	996,000	1,012,000	..	16,000
	21,548,000	22,952,000	..	1,404,000

2.—*Municipal Receipts.*

Direct taxes	240,000	300,000	..	60,000
Indirect taxes	1,590,000	1,615,000	..	25,000
Miscellaneous	593,500	576,500	17,000	
	2,423,500	2,491,500	..	68,000
Total receipts	23,971,500	25,443,500	..	1,472,000

3.—*General Expenditure.*

—	1929.	1930.	Minus (—).	Plus (+).
	Fr.	Fr.	Fr.	Fr.
Loan services—				
Share of service of 1904 and 1910 loans ..	1,200,000	1,200,000		
Tangier–Fez Railway	2,300,000	1,750,000	550,000	
Port	2,400,000	2,450,000	..	50,000
Caisse de prévoyance	140,000	152,000	..	12,000
	6,040,000	5,552,000		
Committee of Control	15,000	15,000		
Department of Justice and Prisons	1,266,525	328,500	..	104,720
Mixed Court		1,042,745		
Assembly	192,405	188,551	3,854	
General administration	777,780	819,135	..	41,355
Native administration	200,000	200,000		
Gendarmerie	1,500,000	1,500,000		
Department of Finance	1,444,038	1,638,109	..	194,071
Customs	2,215,112	2,557,519	..	342,407
State Public Works	1,534,314	1,330,417	203,897	
Miscellaneous	537,000	537,000		
	15,722,174	15,708,976	13,198	..

4.—*Municipal Expenditure.*

Department of Public Health and Relief	1,179,617	1,357,201	..	177,584
Municipal Public Works	5,061,992	5,237,309	..	175,317
Municipal police	1,905,750	1,976,625	..	70,875
Contingencies	100,000	100,000		
	8,247,359	8,671,135	..	423,776
Total expenditure	23,969,533	24,380,111	..	410,578
Balance	1,967	1,062,389		
	23,971,500	25,443,500		

[W 11294/1/28] No. 11.

Mr. R. H. Campbell to Mr. A. Henderson.—(Received November 30.)

(No. 1611.)

Sir, *Paris, November 29, 1929.*

I HAVE the honour to transmit a copy of a communication from the Ministry for Foreign Affairs, enclosing a note from the Belgian Ambassador protesting against the position of inferiority in which the Belgian judge on the Mixed Court at Tangier would be placed *vis-à-vis* of his colleagues under the scheme sketched out by the expert committee which met this summer in Paris for the purpose of drafting proposals for the reorganisation of the judicial system in the international zone.

2. You will observe that the Belgian Government claim that the position of the Belgian judge under the above-mentioned scheme would constitute a violation of the accepted principle of absolute equality between the magistrates of every nationality. I am not myself aware of any occasion on which this principle has been proclaimed, and, indeed, the committee this summer considered it unnecessary to give Belgium any representation on the Court of Appeal, as there was no need to place her on the same footing as that enjoyed by the four tutelary Powers; it was thought that she would be well content with permanent representation on the tribunal as opposed to the partial representation allotted to the other non-tutelary Powers. It would seem improbable that the Belgian Government will persist in their demand. If they do, the whole edifice of the scheme elaborated in principle by the expert committee will collapse. I will take an early opportunity of ascertaining the views of the Quai d'Orsay.

3. M. de Saint-Quentin, when I called on him recently, spoke to me about the resumption of the negotiations. In July last his only idea had been to let the matter sleep as long as possible, but the Spanish delegation, who were still in Paris (minus Señor Arizcun, who was unable to obtain either further leave from the Tangier Administration or a continuance of his subsistence allowance), were clamouring for an early resumption of the discussions. The Spanish delegation had prepared the draft of a final agreement, and the French delegation had also committed further proposals to writing. M. de Saint-Quentin would shortly circulate these two documents, and his idea was that, after a short interval to allow of their examination, the sub-committee of jurists might resume their meetings.

I have, &c.
R. H. CAMPBELL.

Enclosure 1 in No. 11.

French Ministry for Foreign Affairs to British Embassy.

LE Ministère des Affaires étrangères a l'honneur de faire parvenir, ci-joint, à l'Ambassade de Grande-Bretagne, copie d'une lettre du 12 novembre dernier, par laquelle l'Ambassadeur de Belgique proteste contre la situation d'infériorité dans laquelle l'avant-projet de réforme de l'organisation judiciaire de Tanger mettrait le juge belge vis-à-vis de ses collègues.

Cette lettre se réfère à une conversation de l'Ambassadeur avec le Sous-Directeur d'Afrique-Levant. M. de Saint-Quentin, après avoir défendu le point de vue de la commission dont émane l'avant-projet, n'a pu que prier le Baron de Gaiffier d'Hestroy de saisir officiellement cet organisme par l'intermédiaire des Gouvernements qui y sont représentés.

Le Ministère serait reconnaissant à l'Ambassade de bien vouloir communiquer ce document à la délégation britannique près ladite commission.

Paris, le 26 novembre 1929.

Enclosure 2 in No. 11.

M. de Gaiffier to M. Briand.

M. le Président, *Paris, le* 12 *novembre* 1929.

DANS un entretien récent, j'ai eu l'honneur d'attirer la bienveillante attention de M. de Saint-Quentin sur la situation d'infériorité dans laquelle l'avant-projet de réforme de l'organisation judiciaire de Tanger met le juge belge vis-à-vis de ses collègues.

D'après ce projet, en effet, la Cour d'Appel se composerait d'un conseiller résident, qui serait, alternativement, français ou espagnol, et de deux membres forains, dont l'un serait toujours de nationalité espagnole quand le conseiller résident serait français et *vice versâ*. L'autre serait choisi parmi les magistrats de nationalité anglaise, italienne, portugaise et hollandaise.

En ce qui concerne le Tribunal de première Instance, la présidence serait exercée, à tour de rôle, par l'Angleterre et par l'Italie.

Comme votre Excellence le voit, dans ce système, un traitement d'inégalité serait fait à la Belgique. Elle serait non seulement exclue de la Cour d'Appel, mais elle ne serait même pas admise à présider le Tribunal de première Instance.

Une organisation semblable constituerait une méconnaissance du principe, qui a été proclamé, d'égalité absolue entre tous les magistrats, quels que soient leur grade dans leur pays d'origine et les fonctions qu'ils occupent dans la juridiction de Tanger.

En Égypte, où fonctionne la juridiction mixte, le juge belge est admis à présider le tribunal et la cour ; il n'y a aucune raison pour qu'à Tanger le magistrat belge soit exclu de ce bénéfice.

Tels sont les motifs qui m'ont amené à dire à M. de Saint-Quentin que la Belgique pourrait difficilement se rallier au projet de réforme suggéré et à prier le représentant du Gouvernement français à suggérer à la commission que le juge belge soit admis comme ses collègues anglais et italiens à exercer la présidence du Tribunal de première Instance.

Nous avons appris aussi que la commission avait envisagé le recours à une Cour de Cassation étrangère. Dans le cas où ce principe serait admis, la Belgique aurait à faire valoir ses titres pour que le choix de la commission se portât sur la Cour de Cassation de Bruxelles. La situation centrale de la capitale de la Belgique, la similitude des codes, le bon marché relatif de l'existence sont des arguments ; mais ce choix semble surtout indiqué en raison de l'exclusion dont la Belgique fut l'objet à la Cour d'Appel.

Veuillez, &c.
DE GAIFFIER

[W 11716/1/28] No. 12

Mr. Gurney to Mr. A. Henderson.—(Received December 13.)

(No. 204.)

Sir, *Tangier, December* 4, 1929.

WITH reference to my despatch No. 35 of the 13th February last, I have the honour to report that the Port Company recently submitted to the Port Commission the enclosed statement in regard to the financial questions connected with the construction of the port.*

2. It will be recollected that, under the terms of the concession as modified in 1924 after the conclusion of the Tangier Statute, it was provided that the works defined in the concession were to be constructed by the company and that the contribution of the conceding authority—that is to say, in the first place, the Shereefian Government, and then the Tangier Administration, to whom the Shereefian Government transferred all their rights and obligations under the agreement with the Port Company—was to be limited to the guarantee of a loan of 31 million francs, the service of which was to be a first charge on the customs receipts of the zone. The remainder of the cost of the works, which was at the time estimated by the British expert at some 51 million francs, was to be covered by the capital of the company, and certain receipts which were expected to be derived from the Tangier–Fez Railway Company, the provisional exploitation of the port and various miscellaneous

* Not printed.

sources. It was laid down that any balance over and above these amounts was to be provided by the company and to be regarded as an increase of their original capital of 7½ million francs.

3. As early as August 1926 the Port Company called the attention of the Port Commission to the fact that the loan of 31 million francs would not be sufficient to cover the cost of the work. The Port Commission referred the matter to the Administration. They in their turn submitted it to the Assembly, and it was referred by the latter to the Committee of Control.

4. The Committee of Control pointed out to the administrator that, under the terms of the Port Comvention, the obligation of the zone was limited to the provision of the service of the loan of 31 million francs, and that, if any further sums were required beyond those specified in the convention, it was primarily for the company to provide them. He was accordingly asked to ascertain the intentions of the company in the matter.

5. No reply was received from the company, but their attention has on various occasions been recalled to the question by the Port Commission, who pointed out that it was essential that some decision should be reached in the matter before the whole of the 31 million francs had been expended, as will be the case early next year. At my instigation, the Committee of Control recently again took up the matter with the administrator and pressed for information in regard to the attitude of the company. I have also spoken to M. de Cacqueray, a prominent member of the board of the company, who visited Tangier not long ago. It is as a result of these representations that the present memorandum has been produced.

6. In this memorandum the company explain that the cost of the proposed works was originally estimated to amount to 45 million francs. This amount was to be covered, as stated above, partly by the capital of the company and the product of the guaranteed loan, and partly by the miscellaneous receipts, which were expected to produce sufficient to cover the balance.

7. Owing to changes in the economic situation, the total cost of the works must, they say, now be estimated at some 70 million francs, whilst the portion of these works for which a contract has been made with the constructional company will amount to some 60,300,000 fr., instead of 28,900,000 fr. as originally estimated. This represents an increase of over 100 per cent., and they point out that in these conditions the 31 million francs provided by the conceding authority is clearly inadequate.

8. They admit that it was provided in the concession that any additional expenditure over and above the sums specified was to be provided by the company. They state, however, that it was never the intention of the signatories of the contract that the company should be called upon to make up so large a sum as 36 million francs by an increase of their share capital of 7½ million francs, and they produce various reasons why they should not be held to the letter of their undertaking. They accordingly ask for an increase in the sums provided by the Tangier Administration for the service of the existing loan in order to enable them to negotiate a new loan, to be guaranteed by the Shereefian Government. They estimate that a further 30 million francs would suffice to enable them to complete the works already adjudicated.

9. The company have thus come out into the open and have raised a definite issue. Whilst admitting their technical liability under the terms of the convention to make up the difference between the sums available and the sums requisite for the completion of the port, they plead that they are prevented by *force majeure* from meeting this obligation, and call upon the zone to assist them, without, however, apparently claiming that the zone is under any legal obligation to do so.

10. As stated above, this communication was addressed to the Port Commission. That commission, however, has taken the view that it is not concerned with financial questions, which must be settled between the company and the conceding authority. It accordingly referred the communication to the Administration, and the matter is now being considered by the appropriate commission of the Legislative Assembly.

11. It is one of considerable difficulty and delicacy. It must, I think, be admitted that the company have made out a good case, and that they cannot reasonably be held liable for the provision of the whole of the large sum required to complete the port. In any case, they would not be in a position to raise it unaided. It would also not be in the interest of the zone to demand the "déchéance" of the company on the ground that they have failed to fulfil their obligations even if it were legally possible to do so, which is, to my mind, very doubtful. The interest of the zone is to get the port constructed with as little delay as possible on the lines

originally laid down, and it is better to make use of the resources of the present company, which have, at any rate, shown the intention and the capacity to build the port properly and to operate it efficiently. It would therefore seem that the zone has no alternative but to assist the company in providing the necessary sums.

12. No provision is made in the Port Convention for any further contributions from the zone or the Shereefian Government beyond the guarantee of the loan of 31 million francs, except in the event of the extension of the works specified in article 1 of the "cahier des charges." The zone is therefore free to make such arrangements as it considers best suited to the situation, no doubt subject to the concurrence of the Shereefian Government in accordance with the spirit if not the letter of article 40 of the Tangier Statute.

13. The guarantee of the Shereefian Government will also certainly be necessary to enable either the company or the zone to raise a loan, and it is understood that the company have already been conducting negotiations with the authorities at Rabat in this connexion, and have ascertained that the Shereefian Government are prepared to give such guarantee. I have also been informed privately by M. de Witasse, my French colleague, that he believes that a loan could be issued in Paris at a rate of some 5½ per cent., or possibly even as low as 5 per cent. This compares very favourably with the 7 per cent. at which the loan for 31 million francs was floated in Holland last year.

14. Some people here, including my Italian and Spanish colleagues, would prefer that the loan should, if possible, be of an international character and that it should be guaranteed by all the Powers interested in Tangier, and not by France or the French Protectorate alone. They have, however, not put forward any concrete proposals.

15. It is difficult to say how much money would be required to produce a port of adequate dimensions, but it would seem that at least another 40 million francs will be needed. According to a calculation made by Mr. Dicken, the service of such a loan, if it could be raised at 5½ per cent., would amount, with provision for the necessary sinking fund, to 2,292,400 fr. a year, which, added to the service of the present Dutch loan, would produce a total annual charge of 4,792,400 fr The Dutch loan is redeemable in 1938, and if it could then be converted at 5½ per cent., the annual charges for the two loans would be reduced to 4,240,000 fr.

16. Mr. Dicken estimates that on the present basis of revenue an annual sum of 5½ million francs is available for the service of such loan, and that this could be increased to 4 millions if the *patente taxe* is voted. Even allowing for interest on the unexpended portion of the loan, this sum would clearly not be sufficient to cover the charges of the loan pending the redemption of the Dutch loan. If the formation of a sinking fund were deferred until 1939, to terminate in sixty years—that is to say, at the expiration of the concession—the annual charge would be correspondingly reduced, but it would after 1930 still be in excess of the 4 millions above mentioned. It is, however, to be anticipated that the resources of the zone will increase in the course of the next four or five years, and that, taking into account the interest on the unexpended portion of the loan, there is reason to hope that the zone might be in a position to get over the difficult intervening period. If not, Mr. Dicken points out, it might be possible to increase the new loan by a sum sufficient to make good the deficiency, or the Shereefian Government might be asked to advance the necessary sums.

17. If it were possible to obtain the loan at 5 per cent. the position would, of course, be easier. It is, in any case, not unsatisfactory, and it would seem that it ought to be possible to devise means of providing, at any rate, this comparatively small sum of 40 million francs without having to appeal to the Powers, particularly as I am inclined to think that the authorities of the French Protectorate may be disposed to assist in the manner above indicated.

18. It is, no doubt, on general principles undesirable to increase the hold of France or the French Protectorate over Tangier, but I am not sure that that hold need materially be increased by taking advantage of the disposition apparently shown by them to assist the zone in this matter, and I am inclined to think that, if the money can be obtained in France at a lower rate than elsewhere, the offer, at any rate, merits careful examination.

19. It has been rather vaguely suggested by some Tangier banking houses that it might be possible to issue a loan in Tangier itself. I have, however, not received any indications as to the terms on which the establishments in question would be prepared to undertake the business, nor of the guarantees they could offer for a satisfactory flotation of such a loan. I have also received hints that the Marquis of Bute might be interested in an issue of this nature.

20. A proposal has further been mooted that the amount of the loan should be increased to 100 or 120 million francs so as to provide funds for the liquidation of the Tangier share of the 1904 and 1910 loans as well as the refunding of the Dutch loan. The idea, however, does not seem a very practical one, and I do not think it is worth while dealing further with it at the present stage. It is, in any case, of a rather nebulous character.

21. It is also to some extent open to question whether the proposed loan should be issued by the Port Company, as was the previous Dutch loan, or whether it would be preferable for the zone itself to issue it and hand over the money to the Port Company as and when required. As stated above, the zone is, no doubt, theoretically at liberty to take what action it pleases in the matter, subject to the approval of the Shereefian Government, without whose guarantee it would be difficult, if not impossible, to raise a loan. It was, however, anticipated by the British expert who assisted in the preparation of the Port Convention that the zone might be called upon to provide further guaranteed bonds beyond the original 31 millions (see report by Colonel Mance in "Further Correspondence respecting Morocco," Part 54, No. 131), and this would seem the most satisfactory method of furnishing the requisite funds.

22. In return, however, the company should be required, on their part, to increase their own share capital of 7½ millions, which is clearly now inadequate, and it may be found desirable to make other demands in connexion, for instance, with the share of the profits from the working of the port accruing to the zone.

23. Provision will also have to be made for prolonging the delay granted for the completion of the works. This delay, which was originally fixed at five years, expires some time next year, whilst the work is far from completion. The blame for their failure to carry out their contract in this connexion cannot be wholly laid at the door of the company, but something must be said about it in the forthcoming negotiations.

24. As regards the works themselves, the zone cannot, I think, do better than insist on the execution of the plan originally laid down, although it will be desirable to prolong the main breakwater to some extent. This breakwater has now reached a length of some 500 metres, and it is not likely to afford sufficient protection until it reaches some thousand metres. There is a movement on foot among certain sections of the community to reduce the importance of the work and to aim at an immediate provision of accommodation for small ships. This would, however, be a very short-sighted policy, as it might hinder the completion of a more practical port later on.

25. As stated above, the communication from the company is now under examination by the appropriate commission of the Assembly, and it has not yet come before the Committee of Control. The matter is therefore not yet ripe for consideration by His Majesty's Government, and the present despatch need not be regarded as more than a preliminary survey of the situation as at present apparent.

I have, &c.

HUGH GURNEY.

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[W 11717/11717/28] No. 13.

Mr. Gurney to Mr. A. Henderson.—(Received December 12.)

(No. 205.) *Tangier, December 5, 1929.*

Sir,

IN my despatch No. 12 of the 12th January, 1928, I had the honour to report that the Shraa Court of Appeal had begun to function, but that negotiations were proceeding between my Spanish colleague and myself and our French colleague in regard to the salaries of the judges of the court.

2. As stated in my last annual report, these negotiations resulted in an agreement to the effect that the judges should be paid at the rate of 50 fr. a day during the sittings of the court, and that it should be open to my Spanish colleague and myself to select our nominees from the French and Spanish zones.

3. This agreement was approved by the French authorities at Rabat, and a dahir dealing with the subject was issued on the 19th March, 1929. A hitch, however, then occurred. As my Spanish colleague and I pointed out to M. de Witasse, technically speaking, under the statute no dahir issued in the French Zone can be applied to the Tangier Zone except with the approval of the Assembly. Such approval seemed to be particularly necessary in the present case, because the new dahir modified the provisions of the original dahir of the 30th May, 1925, which provides, in article 39, for the constitution of this court. This article lays down that the court shall consist of the Mendoub and "deux ulema de la zone," whilst, as stated above, the new dahir provides for the appointment of judges from the other zones.

4. M. de Witasse was much opposed to submitting this question to the Assembly, and, after considerable discussion and consideration of the question, my Spanish colleague and I agreed that it was perhaps undesirable to do so in the circumstances, and that it would be preferable to drop our proposal.

5. A new complication then arose. As I anticipated that it would be necessary to bring the matter before the Committee of Control, I had explained to my Italian colleague the position of affairs. He immediately pointed out that he felt sure that his Government would insist on participation in the arrangement. I accordingly approached my French and Spanish colleagues in the matter and we considered what could be done to meet the wishes of the Italian Government. As a result, a proposal was formulated to the effect that a procedure similar to that adopted in the case of the British and Spanish candidates should be introduced so as to provide an Italian candidate, and that, out of the three judges thus selected, two should sit in rotation with the Mendoub in the Court of Appeal.

6. As you are aware, the present arrangement is governed by an exchange of notes which took place in Madrid on the 25th October, 1926. For convenience of reference I enclose a copy of the note addressed to the Minister of State by His Majesty's Ambassador. It will be seen that the arrangement provides for the selection of the two judges as the result of a friendly arrangement between the French consul-general and his British and Spanish colleagues. It is now proposed that a similar arrangement should be made for the selection of a third candidate by an agreement between the French and Italian consuls-general. The arrangement would have the additional advantage of providing an alternative judge in the event of one of the other judges having been concerned as an advocate in any case which may be submitted to the Court of Appeal.

7. I enclose a copy of the note communicated by the French consul-general outlining this arrangement, which my French colleague tells me has been approved by the authorities at Rabat and also by the French Government.

8. I myself do not see any objection to the proposed arrangement, but in view of the fact that the previous arrangement is based upon an exchange of notes, I do not feel at liberty to accept it without reference to you. I have accordingly the honour to enquire your views on the subject.

9. Should you, as well as the Spanish and Italian Governments, concur, I am inclined to think that it will be sufficient if the arrangement were recorded in a document to be signed at Tangier by the four consuls-general concerned. The original arrangement was itself of a more or less informal and confidential nature and has not, I think, been published.

10. In order to put it into effect it will not be necessary to issue a dahir, as the arrangement involves no modification of the original dahir, which merely provides

for the nomination of two judges without specifying the method of nomination. It would, I think, suffice if the necessary instructions were sent by the Shereefian Government to the Mendoub. This is the method which commends itself to my French colleague.

I have, &c.
HUGH GURNEY.

[W 11717/11717/28] No. 14.

Foreign Office to Mr. Gurney (Tangier).

(No. 288.)

Sir, *Foreign Office, December* 21, 1929.

I AM directed by Mr. Secretary Henderson to acknowledge the receipt of your despatch No. 205 of the 5th instant, and to approve both your action and the proposals which have been put forward in regard to the appointment of judges to the Shraa Court of Appeal.

I am, &c.
C. HOWARD SMITH.